

## **EAST AYRSHIRE LICENSING BOARD**

**Minute of the virtual Meeting of East Ayrshire Licensing Board, held digitally through Microsoft Teams, on Tuesday 17 November at 10am.**

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

**ATTENDING:** Mr S McCall (Depute Clerk to the Licensing Board), Chief Inspector Meikle and Sergeant Barrie (Police Scotland), Mr I Hiles (Licensing Standards Officer), Mrs P Duncan and Ms S Duncan (Licensing Board Administrators).

**APOLOGIES :** Councillor John Campbell, Councillor Drew Filson 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 20 October 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 14 September and 5 November 2020:-

Minor Variation	:	6
Variation on Transfer	:	1
S33 Transfer	:	4
S34 Transfer	:	1
Grant of Personal Licence	:	8
Renewal of Personal Licence	:	5
Small Society Lottery Renewals	:	9
Small Society Lottery Grants	:	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had not been included in this report as, due to the COVID-19 restrictions, many Occasional Licence applications were withdrawn or could not be granted.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 1148 Personal Licences and 302 Premises Licences in force.

The Chair also noted that the lack of occasional licence applications would be having an impact on the Licensing Board income.

The Depute Clerk advised that there had been a fall of £40,000 in Licensing Board income in Period 8 of 2020 compared to Period 8 of 2019, and that due to the current restrictions on licensed premises, it would be unlikely that the deficit would decrease in this financial year. The Depute Clerk further advised that all the off-sales premises had paid their annual fees but there were a number outstanding for on-sales, with a possibility of Reviews being brought to the December Licensing Board meeting.

The Board Members agreed to note the Report.

#### **4. APPLICATIONS**

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

There being no further business the meeting ended at 11.15am.

LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR PERSONAL LICENCE

Gordon Bell

**The Depute Clerk advised the Board Members that Gordon Bell had been convicted of a relevant offence in terms of the Licensing (Scotland) Act 2005.**

**The Depute Clerk reminded Members that the application had been continued from the Board Meeting of 20 October 2020, as Mr Bell had failed to join the meeting and Police Scotland were requested by the Board to provide more information in respect of the conviction.**

**The Depute Clerk advised that Mr Bell had accepted an invitation to participate in the meeting, but had failed to join the meeting. The Depute Clerk advised that Mr Bell had problems connecting to the Meeting on the 20 October 2020 and that if he had problems connecting to this meeting, he had provided further information regarding his conviction by e-mail.**

**The Board agreed to continue consideration of the application in Mr Bell's absence.**

**Sergeant Barrie confirmed that Gordon Bell was convicted at Paisley Sheriff Court on 14 August 2015 of the offence, assault to injury AGG: bail domestic. Sentence was deferred to 18 December 2015 when Mr Bell was fined £150.**

**Sergeant Barrie further confirmed that the details of the offence were that Mr Bell had assaulted a female and had poured a drink over her and threw a candle at her, to her injury.**

**The Depute Clerk advised that Mr Bell's email had stated that he believed the problem with his personal licence application had been due to not declaring the conviction. The email further stated that as he had provided this information to Glasgow Licensing Board to obtain a premises licence in Glasgow, he was not required to provide this information again. Mr Bell apologised for not declaring the conviction. Mr Bell's email also stated that he had pled guilty to the offence to prevent his partner's son having to attend Court as he was a very nervous boy.**

**The Depute Clerk clarified that even though Mr Bell had a premises licence granted by Glasgow Licensing Board, he resided within East Ayrshire and was required to apply to this Licensing Board area for his personal licence.**

**Councillor Fiona Campbell asked for clarification from Police Scotland if Mr Bell's partner's son was present when the assault took place.**

**Chief Inspector Meikle confirmed that the son was in the next room and that his Mother had called him for help when the incident was taking place.**

**The Depute Clerk asked for confirmation of the sentence which was confirmed as £150 fine.**

**The Chair pointed out that the conviction was from 2015 and that there had been no further convictions in 5 years.**

**Councillor Leitch pointed out that domestic violence can have a lasting impact on a young person and that account should be taken of the Protecting Children and Young Persons from Harm objective.**

**The Depute Clerk advised that the Board Members should be determining the application in respect of the sale of alcohol and it was not their purpose to impose a penalty of further punishment as this had already been determined by the Court. The Depute Clerk pointed out that the applicant had one conviction and no further incidents since the conviction.**

**Councillor Jones asked for details of the injury caused by the assault.**

**Chief Inspector Meikle stated that the injury had been a laceration to the arm caused by the glass candle hitting the wall.**

**Councillor Fiona Campbell asked how the Board had dealt with similar cases.**

**The Depute Clerk stated that there had been a revocation of a current personal licence holder for a similar conviction but that it had taken place on licensed premises. The Depute Clerk pointed out that each application required to be considered on its own merits.**

**The Chair proposed that the application be granted.**

**Councillor Leitch stated that a person can be different over a 5 year period and that Glasgow Licensing Board would not have granted a premises licence to him if there had been a problem.**

**The Board Members unanimously agreed to grant the Personal Licence.**

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

The Cook School Scotland Ltd.

The Cook School Scotland  
7 Moorfield Park North  
Crosshouse

Details of the variation:-

Permission for alcohol to be sold for consumption off the premises (off-sales).

**The Depute Clerk outlined the proposed variation and advised that the variation included a request to allow off-sales from the premises, which was contrary to the Board's policy. No objections or representations had been received in respect of the application.**

**Aileen Dick, Premises Manager, joined the meeting virtually to speak in support of the application.**

**The Depute Clerk confirmed that there were no procedural issues and the hearing proceeded in accordance with the agreed hearing procedure.**

**Ms Dick submitted that due to the restrictions imposed on licensed premises in the current coronavirus pandemic that there had been a drastic reduction in the business and that 9 employees had been made redundant. Ms Dick further submitted that the premises had a new business plan whereby they delivered virtual cooking classes and that the variation to the premises licence to include off-sales was to provide wine and whiskey along with the ingredients package sent out for the cooking class, to enable pairing. It was also proposed to sell Hampers and Gift Packs which would include alcohol. Ms Dick confirmed that they would not be selling normal off-sales to the public from the premises.**

**The Chair asked for clarification on the age verification process for selling to persons 18 years and over.**

**Ms Dick confirmed that when the booking took place on the website it was clearly stated that it was for 18 years and over.**

**The Depute Clerk asked how the hampers and gift packs were delivered and if the drivers were aware of the sale of alcohol regulations.**

**Ms Dick confirmed that deliveries made to their suppliers all over the UK and corporate customers were made by Braehead Food vans and deliveries made to personal households were made by DHL couriers. Ms Dick confirmed that if the variation was granted then training would be given to all Braehead Food van drivers and that DHL were currently aware of the regulations.**

**Councillor Jones asked if the business had taken part in the Employee Retention Scheme provided by the Government.**

**Ms Dick confirmed that some of the staff had left for other jobs and that they had used the Scheme and retained six employees. The reason for the variation was to maintain the current staff level. Ms Dick also stated that they were using online webinars to improve their staff training to enable them to work across a number of areas in the business.**

**Councillor Grant asked if their current stock was to be sold in their shop.**

**Ms Dick stated that they would be using their current stock as part of the online cookery classes, hampers and gift packs, if the variation was granted.**

**The Chair asked the LSO if there had been any issues with the premises and the LSO confirmed there were no issues with the premises.**

**The Board Members adjourned to consider the matter further.**

**Councillor Mair was unable to reconnect to the meeting and took no further part in the proceedings.**

**Upon returning the Chair moved that the application be granted subject to conditions being attached to the premises licence to prohibit the sale of alcohol to the public from the premises and evidence produced that the relevant training had been given to the delivery drivers.**

**The Depute Clerk confirmed that the premises licence variation would be granted subject to the alcohol only being provided in the packages delivered for the online cooking courses, hampers and gift packs. He stated that there would no sale of alcohol to the public from the premises. He further stated that all relevant procedures and training should be put in place in respect of the remote sales.**

**The Board Members agreed unanimously to grant the variation subject to the above conditions.**