

EAST AYRSHIRE LICENSING BOARD

Minute of the Meeting of East Ayrshire Licensing Board, held within meeting room at East Ayrshire Council Headquarters, London Road, Kilmarnock and digitally through Microsoft Teams, on Tuesday 24 January 2023 at 10am.

SEDERUNT: Councillor Drew Filson (Chair), Councillor Graham Barton, Councillor Stephen Canning, Councillor William Crawford, Councillor June Kyle, Councillor Kevin McGregor, Councillor David Richardson, Councillor Elaine Cowan, Councillor Lillian Jones and Councillor Claire Leitch

ATTENDING: David Mitchell (Clerk to the Licensing Board), Mr Ian Hiles (Licensing Standards Officer), Sergeant Sheryl Syme and Ms Dawn Hastings (Police Scotland), Mrs Alison Hewitson (Licensing Board Administrator)

APOLOGIES: None

1. SEDERUNT

Noted.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated by the Board Members.

3. MINUTE OF MEETING

3.1 Minute of the meeting of East Ayrshire Licensing Board held on 15 November 2022 was agreed and noted.

3.2 Minute of the meeting of East Ayrshire Licensing Board held on 13 December 2022 was agreed and noted.

4. APPLICATIONS CONSIDERED UNDER DELEGATED AUTHORITY

The Clerk reported on the applications discharged under delegated authority between 3 December 2022 – 16 January 2023, namely:-

Minor Variation	:	3
Variation on Transfer	:	1
S33 Transfer of Premises Licence	:	1
Confirmation of Premises Licence	:	1
Grant of Personal Licence	:	6
Renewal of Personal Licence	:	1
Renewal of Small Society Lottery Registration	:	7
Extended Hours Licences	:	17
Occasional Licences	:	65

The Clerk reported that of the 65 Occasional Licences granted, 21 were granted to Club premises, 26 to Personal Licence holders, 12 to Premises Licence holders and 6 to Voluntary Organisations. As of the date of the Report there were 1152 Personal Licence holders and 293 Premises Licence holders.

The Board Members noted the content of the Report.

5. APPLICATIONS

Applications considered under the Licensing (Scotland) Act 2005 – See Appendix 1

6. PERSONAL LICENCE REVIEW HEARING

The Clerk advised that Brian Green had requested a continuation of the Personal Licence Review hearing due to having insufficient preparation time for the hearing. The matter has been continued to the Licensing Board meeting on the 28 February 2023.

7. STATEMENT OF LICENSING POLICY

The Clerk presented Board Members with a report in respect of the Statement of Licensing Policy and explained the Licensing Board's statutory obligations in relation to the publication of a Statement of Licensing Policy. The Clerk further highlighted the overprovision assessment within the Board's area. The Clerk invited the Board members to arrange an informal meeting to discuss overprovision as well as other matters such as outdoor drinking areas and children access.

Licensing Board members agreed to this proposal. The date of the informal meeting to be confirmed at the next meeting of the Board on 28 February 2023

There being no further business the meeting ended at 10.42am

LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR PERSONAL LICENCE

Sukhdeep Singh Attwal

Sukhdeep Singh Attwal was present but not represented.

The Clerk advised the Members that Police Scotland had lodged an objection to the granting of the application.

The Clerk explained the hearing procedure in respect of an objection to an application. Mr Attwal confirmed he understood the procedure.

Sergeant Syme, Police Scotland, reported that on 26 June 2017, Mr Attwal was convicted at Kilmarnock Sheriff Court of the offences of assault, an offence under Section 90(1)(A) of the Police and Fire Reform (Scotland) Act 2012 (Assault Police Officer) and an offence under Section 38(1) of the Criminal Justice and Licensing (Scotland) Act 2010 involving racial and sexual aggravation with the sentence deferred to 17 July 2017, where Mr Attwal was imprisoned for a period of 3 months for each offence. Sergeant Syme reported that the circumstances surrounding the incident was that on 25 June 2017 at the Garage Nightclub, Kilmarnock, Mr Attwal when asked to leave the premises became very aggressive and attempted to head butt a door steward and attempted to punch another door steward. After being arrested nearby and being taken to Kilmarnock Police Office, he assaulted a Police Scotland Officer by kicking him to the leg. After being placed in a police cell, Mr Attwal began to shout, swear and make comments of a racist and sexual nature continuously over several hours.

Sergeant Syme, further reported that on 9 December 2021, at Kilmarnock Sheriff Court, Mr Attwal was convicted for Contempt of Court to which he pled guilty and was fined £800. Sergeant Syme updated the Licensing Board members by adding that the Sheriff had found Mr Attwal in contempt of court at a Civil Hearing for failing to obtemper a court order imposed by Sheriff Foran on the 4th August 2021. Sgt Syme added that the fine had been paid.

Sergeant Syme concluded that the Chief Constable considered it was necessary for the purposes of the preventing crime and disorder and preventing public nuisance licensing objectives, that the application be refused.

Mr Attwal was asked if he had any questions for the Police. He replied that he had no questions.

The Clerk asked Police Scotland if any details were known of the Court order. Sgt Syme stated that as it was a Civil matter, no details are known.

The Clerk asked if the period of imprisonment was consecutive. Sgt Syme stated that no details were available.

Mr Attwal was invited to address the Board meeting. He stated that the problems started in 2016 when he had a wife, kids and a job. He stated that his ex-partner started having an affair. This affected his mental health and he started drinking day and night. He then got a criminal record which resulted in him spending three months in jail. He got his job back two months after being released from jail.

Mr Attwal stated that in respect of the contempt of court, he had a letter from his lawyer and two videos of his child saying that they wanted to stay with their Dad.

The Clerk suggested that Mr Attwal should read out the letter from the lawyer. Mr Attwal read that the child once lived with their client but was now with Mr Attwal's ex-partner. The letter confirmed that Mr Attwal had been convicted of a contempt of court. The letter stated that Mr Attwal's ex-partner had refused to cooperate throughout the breakup and following a decision at Court on the 4 August 2021, Mr Attwal was allowed contact only with the child. The child had expressed desire to stay with Mr Attwal and stayed overnight. Mr Attwal's ex-partner raised a motion at Court in respect of the Court order made on the 4th August 2021, this was accepted and Mr Attwal was convicted of contempt of court.

The Clerk asked Mr Attwal if he had anything further to add, Mr Attwal stated that he was a heating engineer but had come back to assist with the family business.

Police Scotland were asked if they had any questions for Mr Attwal. Sgt Syme stated that there were no questions.

Councillor Crawford asked if the jail sentences were consecutive. Mr Attwal stated that he had been sentenced to nine months imprisonment but served three and that they were consecutive.

Councillor Leitch asked Mr Attwal what had changed since the conviction in 2017 in himself as a person. Mr Attwal replied that jail had been a waking up point. When he had got out of jail, he had got his job back, stopped drinking and got more involved in the family business. He said that he stayed away from many pubs and clubs and just went to quiet pubs and places to eat.

Councillor Leitch asked Mr Attwal if he considered himself a fit and proper person to hold a licence. Mr Attwal replied yes.

Councillor Filson asked where the family business was located. Mr Attwal replied that it was Tourhill Road, Kilmarnock, a convenience store.

Councillor Richardson asked Mr Attwal to describe his relationship with alcohol. Mr Attwal replied that he had a few drinks of a Sunday and sometimes on a Saturday.

The Clerk asked Police Scotland if there were any other offences or charges on the Police system. Sgt Syme confirmed that there were no other offences.

The Clerk asked Police Scotland if they wished to sum up. Sgt Syme stated that there was no more summing up.

The Clerk asked Mr Attwal if he would like to sum up. Mr Attwal stated that he had no more to say.

The Board Members adjourned to consider the matter further.

Upon returning Councillor Jones moved that the application for personal licence be granted which was seconded by Councillor Filson.

There being no other motion it was unanimously agreed to grant the application.

The Clerk confirmed that the application had been granted and the Personal Licence would be sent out to the applicant.

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

E & I Perella
Per Brunton Miller
22 Herbert Street
Glasgow

5 Welbeck Street
Kilmarnock

The Clerk advised Licensing Board members that this application had been withdrawn at the request of the applicant.