

**North Ayrshire Licensing Board  
23 October 2020  
Coronavirus Procedure**

**Meeting, 23 October 2020** - At a meeting of the North Ayrshire Licensing Board at 10.00 am using online video conferencing.

**Present**

Councillors Ronnie McNicol (Convenor), Todd Ferguson, Robert Barr, Scott Gallacher, Jean McClung, Davina McTiernan and Donald L. Reid.

**In Attendance**

A Craig, Clerk, W O'Brien, Solicitor (Licensing), G Cullen, Licensing Standards Officer, C Pollock, Licensing Administration Officer, M Champion, Admin Assistant and Diane McCaw, Committee Services Officer.

**Convenor**

Councillor McNicol.

**Apologies for Absence**

Angela Stephens.

The Board determined that this meeting cannot be held in public for a reason relating to coronavirus. As an alternative the meeting was conducted using online video-conferencing instead of in the Council Chambers at Cunninghame House, Irvine. Accordingly, this meeting was not open to the public.

The legislation which permits this is the Coronavirus (Scotland) Act 2020, Schedule 5, Paragraph 4(5)(d), amending Licensing (Scotland) Act 2005, Schedule 1, Paragraph 12(2); the 2020 Act was extended to 31 March 2021 by the Coronavirus (Scotland) Acts (Amendment of Expiry Dates) Regulations 2020 No. 299.

The Convenor welcomed Members and Officers to the virtual meeting and reminded them to switch off their microphones when not speaking and that their camera is on during the meeting to ensure they are visible as being present. He also asked everyone to open the chat box and if they have a question or a point of order at any point, they should indicate this by typing "Q" or "PO", respectively, in the chat box.

**1. Declarations of Interest**

There was no Declarations of Interest.

**2. Licences and Applications under the Licensing (Scotland) Act 2005.**

The Board considered a report by the Clerk to the Licensing Board on matters under the Licensing (Scotland) Act 2005. The report, on this occasion, contained 1 Appendix;

A. Premises Licence applications or any other applications requiring a Hearing.

The Licensing Board agreed to dispose of the matters as follows;

## **A. Premises Licence applications or any other applications requiring a Hearing**

The Solicitor (Licensing) updated the Board regarding the Case Summary document that Members had regard to. This document summarised each application and detailed the Board's options, to either Grant an application or if the Board have any concerns with a particular application then they should continue consideration to a future meeting to allow applicants to attend in order to address the issues arising.

### **A.1 0509 Isle of Cumbrae Distillers, 11 Guildford Street, Millport**

The Board considered an application for grant of a Provisional Premises Licence made by Isle of Cumbrae Distillers Limited for the above premises. The Board had regard to the Applicants' written submission that accompanied the application.

Mr O'Brien updated the Board on the application and referred the Members to the Applicants' written submission.

The Convenor noted from the submission that it appeared they have been doing very well operating under a series of Occasional Licences and asked the Members if they have any questions in relation to the application.

Councillor Ferguson advised that the Applicants had a very good reputation on the Island and were very well supported within the community. He also confirmed to Councillors Barr's enquiry that there is demand on the island for 12am terminal hour, especially during peak times when there is a demand for events.

Referring to the Boards Overprovision Policy, Mr O'Brien highlighted that the application did breach this Policy and the Board should consider if this case was an exception to the Policy or if the Board were minded to continue consideration of this application to a future meeting so that the applicants could attend and address any issues arising.

Councillor Ferguson advised that this is a different type of premises offering organised events and he believed this should be considered as an exemption to the Policy.

Referring to the Applicants' submission, Councillor Reid highlighted that he supported this application as it displays evidence of development on the Island.

Having considered the terms of the briefing, and the submission made, Councillor Ferguson proposed that the Board grant the application. Councillor Reid seconded the motion. There was no Amendment.

There was then a roll-call vote. The Convenor and Councillors Ferguson, Barr, Gallacher, McClung, McTiernan and Reid all voted in favour of the motion and the Board unanimously agreed without dissent or abstention to grant.

The Provisional Premises Licence is granted subject to Standard Conditions (Edition 5) Parts A, B, C and F.

## **A.2 Premises Licence 0219 Co-op, Laigh Road/Medine Avenue, Beith**

The Board considered an application for variations of a Premises Licence made by the Licence Holder, Co-operative Group Food Ltd, for the above premises. The Board had regard to the written submission from the Applicant's agents, Hill Brown Licensing.

The Licence Holder was requesting the following variations:

1. Permit the playing of Recorded Music both inside and outside Licensed Hours
2. "Other Activities" in Operating Plan to be:  
"The sale of food, non-food items and other household goods, and the provision of ancillary consumer services within and outwith licensed hours. Home deliveries may be provided to customers. Alcohol will only be delivered in terms of and in compliance with the relevant provisions of the Licensing (Scotland) Act 2005."

Mr O'Brien provided a summary of the application and referred to the agents' submission. He confirmed to Councillor Barr that if robust procedures were not in place when making home deliveries of alcohol then this would be a matter for Police Scotland as this is a relevant offence. The Police could then refer the Premises Licence Holder to the Board for Review.

Having considered the terms of the briefing, and the submission made, Councillor Reid proposed that the Board grant the application. Councillor Gallacher seconded the motion. There was no Amendment.

There was then a roll-call vote. The Convenor and Councillors Ferguson, Barr, Gallacher, McClung, McTiernan and Reid all voted in favour of the motion and the Board unanimously agreed without dissent or abstention to grant.

## **A.3 Premises Licence 0105 Co-op, Shore Road, Brodick**

The Board considered an application for variations of a Premises Licence made by the Licence Holder, Co-operative Group Food Ltd, for the above premises. The Board had regard to the written submission from the Applicants' agents, Hill Brown Licensing.

The Licence Holder was requesting the following variations:

1. Permit the playing of Recorded Music both inside and outside Licensed Hours
2. "Other Activities" in Operating Plan to be:  
"The sale of food, non-food items and other household goods, and the provision of ancillary consumer services within and outwith licensed hours. Home deliveries may be provided to customers. Alcohol will only be delivered in terms of and compliance with the relevant provisions of the Licensing (Scotland) Act 2005."

The Convenor highlighted that this application was the same in terms of variations requested as the previous case, Case 2, and he asked if there was a Motion for this application.

Having considered the terms of the briefing, and the submission made, Councillor Reid proposed that the Board grant the application. Councillor Ferguson seconded the motion. There was no Amendment.

There was then a roll-call vote. The Convenor and Councillors Ferguson, Barr, Gallacher, McClung, McTiernan and Reid all voted in favour of the motion and the Board unanimously agreed without dissent or abstention to grant.

#### **A.4 Premises Licence 0413 Little Rock Café, Brodick, Isle of Arran**

The Board considered an application for variations of a Premises Licence made by the Licence Holder, Ailie Duncan, for the above premises. The Board had regard to the written submission from the Applicant as well as email correspondence to the Solicitor (Licensing).

The Licence Holder was requesting the following variations:

1. To change opening licensing hours at 12 pm to 11 am
2. Permit off-licence from 10am to 10pm
3. Change layout

Mr O'Brien noted that in respect to Variation 3, new layout plans had been submitted, as this is a Minor Variation it must be granted. He also advised that the initial application requested Variation 1 on sales from 10 am. It was highlighted to the Applicant that this was against the Board's policy and written consent has been received to amend the on sales time to commence from 11am. With regards to Variation 2, the Board should be minded that this is against their Overprovision Policy and the Board should decide if this case should be treated as an exception to the Policy due to the location of the premises and the nature of products sold. The description of the premises is that of a deli providing a small quantity of alcohol. The Applicant's submission refers to customers purchasing souvenirs before boarding the ferry to leave the island.

Having considered the terms of the briefing, and the submission made, Councillor Reid proposed that the Board grant the application. Councillor McTiernan seconded the motion. There was no Amendment.

There was then a roll-call vote. The Convenor and Councillors Ferguson, Barr, Gallacher, McClung, McTiernan and Reid all voted in favour of the motion and the Board unanimously agreed without dissent or abstention to grant.

Mr O'Brien highlighted that as Variation 2 (off-sales) is granted, the conditions of the Premises Licence should be varied to include the appropriate Part (B) of the Board's Standard Conditions, as read with later statutory amendments.

#### **A.5 Premises Licence 0163 Morrisons, Hawkhill Farm, Kilwinning Road, Stevenston**

The Board considered an application for variation of a Premises Licence made by the Licence Holder, Wm Morrison Supermarkets plc, for the above premises. The Board had regard to the written submission from the Applicants' agents, Gosschalks Solicitors.

The Licence Holder was requesting the following variation:

1. A home delivery shopping service and a click & collect service may be operated from the store.

Mr O'Brien provided a summary of the application and referred to the agent's submission.

Having considered the terms of the briefing, and the submissions made, the Convenor proposed that the Board grant the application. Councillor Barr seconded the motion. There was no Amendment.

There was then a roll-call vote. The Convenor and Councillors Ferguson, Barr, Gallacher, McClung, McTiernan and Reid all voted in favour of the motion and the Board unanimously agreed without dissent or abstention to grant.

#### **A.6 Premises Licence 0164 Morrisons, 4 Irvine Road, Largs**

The Board considered an application for variation of a Premises Licence made by the Licence Holder, Wm Morrison Supermarkets plc, for the above premises. The Board had regard to the written submission from the applicants' agents, Gosschalks Solicitors.

The Licence Holder was requesting the following variation:

- 1 A home delivery shopping service and a click & collect service may be operated from the store.

The Convenor highlighted that this application was the same, in terms of the variation requested, as the previous case, Case 5.

Having considered the terms of the briefing, and the submission made, the Convenor proposed that the Board grant the application. Councillor Barr seconded the motion. There was no Amendment.

There was then a roll-call vote. The Convenor and Councillors Ferguson, Barr, Gallacher, McClung, McTiernan and Reid all voted in favour of the motion and the Board unanimously agreed without dissent or abstention to grant.

#### **A.7 Premises Licence 0111 Asda, Harbour Road, Ardrossan**

The Board considered an application for variation of a Premises Licence made by the Licence Holder, Asda Stores Limited, for the above premises. The Board had regard to the written submission from the Applicant's agents, Gosschalks Solicitors.

The Licence Holder was requesting the following variation:

1. To vary the licensed area

The Convenor explained the application was to increase the alcohol display capacity from 138.628 sq.m. of alcohol display frontage to 141.26 sq.m., an increase of 2.632 sq.m. or 2.1%. This involves an additional refrigerated end display unit and 2 side racks. The resulting floor area given over to Beers, Wines and Spirits (BWS) is 121.7 sq.m..

Mr O'Brien referred to the Board's overprovision policy and advised that as this is a big store the overall increase in capacity looks small. The Board could either continue the application to a future meeting or, due to the relatively small increase in capacity being requested, it could treat this as an exception to their Policy.

Councillor McClung confirmed in response to Councillor Barr's observation that the store had been recently refurbished and reorganised and highlighted that this is the only supermarket in Ardrossan.

Referring to the Board's overprovision policy, Councillor Gallacher highlighted that although the increase in capacity is small in relation to the overall size of the premises, the Board have in the past been minded to refuse applications for increased or new licensed display capacity based on overprovision.

The Convenor indicated that he recently visited the premises and it had been refurbished with wider aisles between shelving. He noted that the increase in capacity is for refrigerators which have been installed at the end of an aisle.

Councillor Barr noted that each application should be determined within its own merits and as highlighted by Councillor McClung this is the only supermarket in the town.

Having considered the terms of the briefing, and the submission made, Councillor Reid proposed that the Board grant the application. Councillor McClung seconded the motion. There was no Amendment.

There was then a roll-call vote. The Convenor and Councillors Ferguson, Barr, Gallacher, McClung, McTiernan and Reid all voted in favour of the motion and the Board unanimously agreed without dissent or abstention to grant.

#### **A.8 Premises Licence 0256 The Buccaneers, Sandylands Holiday Park, James Miller Crescent, Auchenharvie Park, Saltcoats**

The Board considered an application for variation of a Premises Licence made by the Licence Holder, Park Resorts Limited, for the above premises.

The Licence Holder was requesting the following variation:

1. To add the facilities for off sales of alcohol Monday to Sunday 1000 to 2200 throughout the holiday park.

Due to the current coronavirus pandemic Mr O'Brien advised that the holiday park had an increase in footfall with holiday homes being occupied more. As the application breached the Board's overprovision policy and raised issues with several of the Licensing Objectives, he suggested that the Board continue consideration of this application until a future meeting.

Councillor Barr agreed with this proposal as he would like to obtain more information from the Applicant and information on the security measures in place to ensure that the park is not open to the public, only holiday makers. He noted there have been 3 incidences in the last year when the Police have had to attend at the Premises. Councillor Barr added that he would also like the Police to submit a report under Licensing (Scotland) Act [24A].

The Convenor and Councillor McTiernan also noted their agreement to this proposal due to previous issues at the park.

Having considered the terms of the briefing, and the submissions made, Councillor Barr proposed that the Board continue consideration of the application to a future meeting and requested a Police report of incidents in the last 12 months. Councillor Reid seconded the motion. There was no Amendment.

There was then a roll-call vote. The Convenor and Councillors Ferguson, Barr, Gallacher, McClung, McTiernan and Reid all voted in favour of the motion and the Board unanimously agreed without dissent or abstention to continue consideration of the application to a future meeting and to request from Police Scotland a report under Licensing (Scotland) Act [24A].

The meeting ended at 10.51 am.