

**INVERCLYDE LICENSING BOARD**

**FRIDAY 26 JUNE 2020 AT 2.00 P.M.**

The meeting was held remotely by Cisco Webex due to the Public Health coronavirus pandemic.

**Present:** Councillors Ahlfeld, Crowther, McVey, Murphy and Robertson.

**Chair:** Councillor Ahlfeld presided.

**In attendance:** Ms Anne Sinclair and Fiona Denver (for Clerk to the Board); Chief Inspector Paul Cameron and Sergeant Ian Robertson (Police Scotland); Roisin Dillon (Public Protection Manager and Licensing Standards Officer).

**Apologies:** Councillor Jackson, McEleny, Moran and Wilson. Councillor McVey substituting for Councillor Moran.

**Declarations of Interest:** There were no declarations of interest intimated.

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

Decision as per attached list.

INVERCLYDE LICENSING BOARD – 26 JUNE 2020

LICENSING (SCOTLAND) ACT 2005

(1) REVIEW OF PREMISES LICENCE

<u>No</u>	<u>Licence Holder</u>	<u>Premises</u>	<u>Decision</u>
1.	I Ellis Enterprises Ltd	<b>Cheers</b> 12/14 West Stewart Street Greenock	<b>REVOKED</b>

The licence holder was not present or represented, the date and time of the hearing having been intimated in advance with an offer that the Licence Holder and any representative could participate in the review hearing and if they did not have facilities to engage remotely an offer was made to attend the Municipal Buildings in order to use a secure room with video equipment for the purposes of participation.

Ms Sinclair confirmed with Members that they had received all the paper documentation to be considered which had been hand delivered to them that morning.

Ms Sinclair advised that Police Scotland, by letter dated 25 March 2020, requested a review hearing on the grounds of section 36(3)(ZA) and 36(3)(b) of the Licensing (Scotland) Act 2005 in respect of the above Premises Licence. Ms Sinclair read the contents of the Chief Superintendent's letter which included a copy of the Emergency Closure Order in terms of Section 97 of the Act. The Closure Order commenced on 22 March 2020 at 12:40hrs until 23 March 2020 at 12:40hrs.

Chief Inspector Cameron addressed the Board explaining the premises remained open on Friday 20 March and Saturday 21 March despite Police Officers requesting the premises to close as per the Scottish Government Statement in order to prevent the spread of the coronavirus. Chief Inspector Cameron intimated that the premises were still open on Sunday 22 March and Officers, as a last resort, served the Emergency Closure Order.

Ms Sinclair read the contents of a report dated 15 June 2020 by the Service Manager, Environmental and Public Protection. Ms Dillon advised that she had video footage of the disturbance and disorder outside the premises on Saturday 21 March 2020. Members agreed to view the footage, which Ms Dillon shared on webex.

There followed questions from Members and a full discussion with Ms Dillon and Chief Inspector Cameron.

On the Chair's request, (i) Ms Sinclair read an extract from the First Minister's public statement on 20 March 2020 in relation to the closure of hospitality premises such as pubs and restaurants; and (ii) reminded Members of their decision of a previous review hearing held on 7 March 2019 in respect of the same premises.

Following all submissions, Members recessed to discuss and deliberate on all the documentation, evidence and information provided.

On return to the meeting Councillor Murphy confirmed that the ground for review was met in terms of sections 36(3)(b) and 36(3)(ZA) Councillor Murphy moved:-

- (i) that the premises licence is revoked with immediate effect in terms of section 36(3)(b); and
- (ii) that the premises licence is revoked in terms of section 36(3)(ZA) in that Mr Ellis is no longer a fit and proper person to be the holder of a premises licence.

The motion was unanimously agreed.