

**INVERCLYDE LICENSING BOARD**  
**THURSDAY 25 JANUARY 2023 AT 10.00 A.M.**

**Present:** Councillors Brooks, Cassidy, Jackson, Law, McCormick, McVey, Reynolds and Robertson.

**Chair:** Councillor Brooks presided.

**In attendance:** Ms Anne Sinclair, Siobhan MacMaster and Fiona Denver (for Clerk to the Board); Sergeant Fiona Moore-McGrath (Police Scotland); Roisin Dillon (Public Protection Manager/Licensing Standards Officer) and Anne Maire Black and Crawford Brown (Licensing Standards Officers).

**Apologies:** There were no apologies intimated.

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

The meeting was held at the Municipal Buildings, Greenock with all Councillors attending in person and some Officers attending by video-conference.

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

Decision as per attached list.

INVERCLYDE LICENSING BOARD – 25 JANUARY 2023

LICENSING (SCOTLAND) ACT 2005

(2) REVIEW OF PREMISES LICENCE

<u>No</u>	<u>Licence Holder</u>	<u>Premises</u>	<u>Decision</u>
1.	Punch Partnership Ltd	<b>Nicolson's</b> 1 Bruce Street Greenock	<b>GROUNDS FOR REVIEW MET. ADDITIONAL CONDITIONS ADDED TO LICENCE</b>

Mr Stephen McGowan and Mr Niall Hassard, Messrs TLT LLP, were both present representing the licence holder. Mr Chris Rafferty, Local Area Manager and Ms Mandy Southall, Operations Director, both of Punch Partnership Ltd were also in attendance.

Ms Sinclair advised that Police Scotland had submitted a request for Review of the Premises Licence in terms of all five licensing objectives by letter dated 19 December 2022 and read the contents thereof to the Board. The letter had previously been circulated to Members. She intimated that Anne Maire Black, Licensing Standards Officer had submitted a report to the request by letter dated 4 January 2023 which Ms Sinclair read to the Board.

Sergeant Moore-McGrath addressed the Board on the terms of the letter dated 19 December 2022 and events which led to the Police putting in place an Emergency Closure Order from 2330 hours on 2 December to 2330 hours on 3 December 2022. Sergeant Moore-McGrath spoke about looking forward and said that Police Scotland would be fully supportive of any new tenant and assist with any advice required.

Anne Marie Black confirmed that she had nothing further to add to her report.

Mr McGowan addressed the Board providing an overview of how he proposed to provide his submissions to the Board including the showing of CCTV footage which had taken within the premises on 2 December 2022. He made it clear to Members that he was speaking as the representative of the Premises Licence Holder and not the tenant in place at the time of the incidents. Mr McGowan provided several supporting documents which had previously been circulated to Members showing that there had been a renunciation of the lease with the tenant.

Mr McGowan provided background information on the landlord licence holder, Punch Partnership Ltd. He also referred to the former tenant lease agreement and the interventions between Police Scotland, the former tenant and Mr Rafferty. Mr McGowan provided comments on the points raised in the Chief Superintendent's letter and addressed the Board on a particular incident which took place on the premises after which Mr Hassard played the CCTV of same.

Mr McGowan confirmed that the legal renunciation of the lease was effective as of 6 January 2023 and the premises have remained closed since the New Year. He asked Members to consider separating the actions of the former tenant with the actions of the licence holder. He requested that the Board look forward and confirmed that his clients would continue to work positively with Police Scotland.

Mr McGowan closed by providing a summary of his submissions and requested that he be afforded an opportunity to address the Board further should the Board consider it appropriate to attach additional licence conditions, although his primary submission was that it was open to the Board to take no action.

There followed questions from Members and discussions between all parties.

Members then moved to private discussion, after which they returned to public session.

Councillor Robertson moved that the grounds for review were met on the licensing objectives of (i) preventing crime and disorder; (ii) protecting and improving public health; and (iii) protecting children and young persons from harm which was unanimously agreed.

The Chair then invited Mr McGowan to address the Board further on the additional conditions requested by Police Scotland.

Mr McGowan spoke on each of the conditions, advising the licence holder accepted some, and he suggested some alternative wording for others.

Following private discussion, Councillor Cassidy moved that the Police Scotland additional conditions subject to amendments be placed on the licence, which was unanimously agreed.

Ms Sinclair confirmed the Board's decision to add the following conditions to the Premises Licence:-

1. At least one staff member on duty is able to operate the CCTV system.
2. Staff are required to report all incidents of disorder and violence to the Police as soon as reasonably possible.
3. A written drugs management policy with a zero tolerance approach and regular toilet checks to be implemented and adhered to. This policy must include process for staff to follow when drugs are either found or seized from patrons.
4. In relation to drugs, appropriate signs should be clearly displayed at the entry to doors, toilets, etc. stating zero tolerance policy to patrons.

5. Written record to be maintained by door/bar staff to detail all refusals or service to a patron at the door/bar due to intoxication, unruly behaviour, or some other relevant matter. The refusals record should be produced upon request for inspection by a Police Officer or Licensing Standards Officer.
6. All staff to be trained in offences relating to drunkenness and disorderly conduct by an accredited trainer.
7. All staff and management to fully co-operate and assist Police with enquiries and comply with all reasonable requests made.
8. Management will not organise or take bookings for 18<sup>th</sup> birthday party events.
9. All SIA Stewards should hold a valid licence issued by the Security Industry Authority.

**Additional Conditions for Functions/Receptions including weddings, funerals, birthdays, retirements etc.**

1. Management to ensure that proper procedures for the booking of events are implemented, including obtaining full names, contact numbers, addresses of the person(s) booking.
2. Police Scotland are to be informed of events and functions as soon as reasonably possible.
3. Management will not organise or take bookings for 18<sup>th</sup> birthday party events.
4. Management to ensure staffing levels at all times, and during functions in particular, are sufficient to allow effective control of patrons. Staff numbers should take into account the need to carry out a robust age verification, collection of empty glasses, monitoring of toilets and limitation of levels of intoxication among patrons, as well as the efficient operation of the bars themselves.
5. When the premises is to be used for a pre-booked function or event the management will ensure a suitable number of SIA Licensed Stewards are used at the premises, the number of which will be determined by management on a risk-assessed basis.