

**INVERCLYDE LICENSING BOARD**  
**THURSDAY 6 JUNE 2024 AT 10.00 A.M.**

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

**Chair:** Councillor Brooks presided.

**In attendance:** Ms Anne Sinclair and Fiona Denver (for Clerk to the Board); Inspector Joanne Henderson (Police Scotland); Roisin Dillon (Public Protection Manager/Licensing Standards Officer); Crawford Brown and Colin Robertson (Licensing Standards Officer).

**Apologies:** Councillors Law and McCormick.

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

The meeting was held at the Municipal Buildings, Greenock with Councillors Brooks, Cassidy, McVey and Robertson in attendance and Councillors Jackson and Reynolds attending remotely.

**LICENSING (SCOTLAND) ACT 2005**  
**MINUTES OF MEETINGS HELD ON 7 MARCH 2024**

The Chair moved approval of the Minutes of the previous meetings which were unanimously agreed.

**LICENSING (SCOTLAND) ACT 2005**  
**APPOINTMENT OF CLERK**

Ms Sinclair announced that Lynsey Brown has been appointed by the Council as the new Head of Legal, Democratic, Digital and Customer Services and therefore it is appropriate that she is appointed as the Clerk to the Licensing Board.

Members noted the position and welcomed Ms Brown to the Board.

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

Decision as per attached list.

**LICENSING (SCOTLAND) ACT 2005**  
**APPLICATION FOR PROVISIONAL PREMISES LICENCE**

Decision as per attached list.

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION TO EXTEND PROVISIONAL PREMISES LICENCE**

Decision as per attached list.

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

Decision as per attached list.

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR OCCASIONAL LICENCE**

Decision as per attached list.

**LICENSING (SCOTLAND) ACT 2005  
FINANCE AND FUNCTIONS REPORT**

The Depute Clerk presented the Annual Finance Report, with income and expenditure figures, and the Annual Functions Report for the period April 2023 to March 2024. Ms Sinclair explained that both reports require to be published on the Licensing Board's website by 30 June 2024 to comply with the Licensing (Scotland) Act 2005.

The Chair commented that it is a challenge to meet the financial balance as the fees are set by statute and that our fees are already at the top of the fee structure and therefore the Board is unable to increase them. He intimated that previously the Board asked for action to be taken to review other Licensing Board's or engage with the Scottish Government.

Councillor Cassidy stated that it would be worthwhile writing to the Scottish Government again and speak with neighbouring Board's with a view to consider a joint letter being submitted.

Ms Sinclair confirmed that she would contact Renfrewshire Licensing Board and the SOLAR Group for their views.

Members approved both reports.

**LICENSING BOARD – CHILDREN AND YOUNG PERSONS POLICY**

Ms Sinclair addressed the Board in terms of the most recent update to the Children and Young Persons Policy, in particular to Children being permitted in licensed premises from 8.00pm – 1.00am whilst attending a family orientated private function (such as a wedding, golden/silver anniversary or special birthday celebration e.g. 18<sup>th</sup> birthday party). Ms Sinclair brought to the attention of the Board that the Policy is not clear what the position is around children attending a non-family orientated private function and sought Members views on whether or not this should be clarified.

Councillor Robertson moved that Children are permitted to attend non-family private functions to 11.00pm, which was unanimously agreed.

The Chair confirmed the motion and requested that the Depute Clerk e-mail Members with a final draft of the updated Policy for approval.

**APPLICATIONS GRANTED UNDER DELEGATED AUTHORITY FOR THE PERIOD FROM 1  
FEBRUARY TO 30 APRIL 2024**

Noted

INVERCLYDE LICENSING BOARD – 6 JUNE 2024

LICENSING (SCOTLAND) ACT 2005

(4) APPLICATION FOR VARIATION OF PREMISES LICENCE

<u>No</u>	<u>Applicant</u>	<u>Premises</u>	<u>Variation Details</u>	<u>Decision</u>
1.	Parkdean Holiday Parks Ltd	<b>Wemyss Bay Holiday Park</b> Wemyss Bay	<p>(a) Add External Retail Outlet and Seating Area; Extend Outdoor Beer Garden; Internal Alterations; and Amend Layout Plan.</p> <p><u>Description</u> To permit the addition of new ice cream stall called “Scoops” selling confectionery, soft drinks, teas &amp; coffees and ice cream. New food servery facilities called “Retail Outlet” to provide snacks meals, soft drinks, teas &amp; coffees and the sale of alcohol. New Seating Area for 84 customers. Extend beer garden and internal changes to add a corridor between the Pool Area and the Coffee Lounge and a reduction in the bar within the Lounge Bar / Restaurant area. Update layout plan covering full area and a detailed plan to include complex, outdoor beer garden, seating areas and new food and ice cream venues outdoors.</p> <p>(b) Add the following text to Seasonal Variations:-</p> <p>The premises will operate additional hours during the Festive Season and any other period stated in accordance with the Inverclyde Licensing Board’s Licensing Policy or as notified by Inverclyde Licensing Board.</p> <p><b>Existing</b> The winter season is determined as 1 November - 28/29 February in any year.</p>	<p><b>GRANTED SUBJECT TO BUILDING STANDARDS AND FIRE AUTHORITY</b></p> <p><b>GRANTED</b></p>

<u>No</u>	<u>Applicant</u>	<u>Premises</u>	<u>Variation Details</u>	<u>Decision</u>
		<b>Wemyss Bay Holiday Park</b> Wemyss Bay	(c) Amend Occupancy Capacity Figures as follows:-  Complex (Showbar 540 and Lounge/Restaurant 135) = Total 675. Outdoor (Beer Garden 164, Container Area for Retail Outlet and Scoops 84) = Total 248  Total capacity – 923 persons  <b>Existing</b> 500 persons	

Ms Audrey Junner, Messrs Hill Brown was present representing the applicant. Mandy MacWhirter, General Manager, Charlene McLennan, Designated Premises Manger and Andrew Kemp, Licensing Manager were in attendance.

Ms Sinclair advised that this is a complex application and no objections have been submitted however, the Fire Authority has made comments in relation to the application. Ms Sinclair read the contents of the Fire Authority Report issued to the applicant dated 24 April, a copy of which had previously been circulated to Members.

Ms Junner addressed the Board providing detailed information on the project to add new outdoor space referred to as a retail zone which includes two food outlets – Scoops and Joe's American Grill. There is a fenced seating area which will be monitored by staff and CCTV has been installed. Ms Junner advised that a limited provision of alcohol will be available from the diner unit only. Parkdean are rolling out the concept across all their parks to utilise unused space and to provide additional choice to owners on the park.

Addressing the comments raised by the Fire Authority in their report, Ms Junner advised that all matters have been dealt with. The building warrant applications are progressing to obtain warrants as required.

Ms Junner also advised that there are some administration changes to the operating plan and the layout plan updated accordingly.

Mr Robertson, confirmed that the site notice compliance checks were satisfactory.

Councillor Cassidy intimated that the park is well run and highly regarded by the local community and the proposals on the application will be a good addition. He then moved grant of the application subject to compliance with the requirements of Building Standards and the Fire Authority which was unanimously agreed.

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LICENSING (SCOTLAND) ACT 2005

(5) APPLICATION FOR PROVISIONAL PREMISES LICENCE

<u>No</u>	<u>Applicant</u>	<u>Premises</u>	<u>Proposed Licence Details</u>	<u>Decision</u>
1.	Motor Fuel Ltd	<b>Greenock (Rue End) Service Station</b> Rue End Street Greenock PA15 4RN	<b>Description of Premises</b> A general convenience store adjacent to petrol/derv filling station forecourt. The site has car parking separate from the fuel pumps. The premises do not form part of the nearby retail supermarket premises. The petrol/derv filling station forecourt area is not part of the area to be licensed. The premises offer substantial general convenience separate from, and supplementary to, the offer of petrol/derv.  <b>Core Licensing Hours – On Sales</b> N/A  <b>Core Licensing Hours – Off Sales</b> Monday – Sunday 10.00am – 10.00pm  <b>Seasonal Variations</b> None  <b>Activities</b> Recorded music to be provided both during and outwith core licensing hours.  <u>Further Details</u> The premises may play background music in the retail areas of the store. The premises may operate outwith alcohol licensing hours, up to 24 hour basis.	<b>GRANTED SUBJECT TO BUILDING STANDARDS AND FIRE AUTHORITY</b>

<u>No</u>	<u>Applicant</u>	<u>Premises</u>	<u>Proposed Licence Details</u>	<u>Decision</u>
		<b>Greenock (Rue End)</b> <b>Service Station</b> Rue End Street Greenock PA15 4RN	<u>Any other Activities</u> The premises comprise of general convenience store with off sale facility adjacent to petrol/derv filling station forecourt. The premises offer takeaway “food on the go”. Customers may order groceries, food and drinks, including alcoholic drinks for home delivery from the premises.  <b>Children and Young Persons</b> N/A  <b>Capacity of Premises</b> Alcohol Display Area – 8.90046m <sup>2</sup>  <b>Designated Premises Manager</b> To be confirmed.	

Mr Hunter, Messrs Harper MacLeod was present representing the applicant. Mr Gordon Christie, representative of Motor Fuel Limited was in attendance.

Ms Sinclair advised that the necessary Planning Section 50 Certificate is in place. She confirmed that no representation or objections had been received. The Motor Fuel Group provided documentation on their research survey which was previously circulated to Members.

Mr Brown confirmed site notice compliance visit was satisfactory. He advised that there are two licensed general stores at filling stations in Greenock, one of which is a similar size and layout as the proposed premises.

Mr Hunter addressed the Board and provided information on the Motor Fuel Limited Company who are in the process of acquiring all of Morrisons Petrol Filling Stations. He advised that the premises will be renovated and upgraded. Mr Hunter provided information on the proposed operation of the outlet. He referred to the survey carried out to demonstrate the premises meet the terms of section 123 of the Licensing (Scotland) Act 2005 and highlighted some parts of the survey.

After private discussion, Councillor Brooks moved grant of the application which was unanimously agreed.

INVERCLYDE LICENSING BOARD – 6 JUNE 2024

LICENSING (SCOTLAND) ACT 2005

(6) APPLICATION TO EXTEND PROVISIONAL PREMISES LICENCE

<u>No</u>	<u>Applicant</u>	<u>Premises</u>	<u>Details</u>	<u>Decision</u>
1.	Ardgowan Distillery Company Ltd	<b>Ardgowan Distillery Company Ltd</b> Ardgowan Estate Inverkip PA16 0DW	<u>Description of Premises</u> Distillery and tourist attraction featuring a full working distillery and brewery, visitor centre and tourist facilities along with chalet style accommodation and letting rooms, and which also includes a restaurant, cook-school, bar, and events and retail space.  <u>Provisional Licence Dates</u> 6 June 2019 - 6 June 2023 1 June 2023 extension granted to 6 June 2024  Request to extend expiry date by one year.	<b>GRANTED</b>

Ms Sinclair advised that a further extension to the Provisional Premises Licence had been requested and Mr Stephen McGowan, Messrs TLT lodged written submissions in support of the request. Ms Sinclair read the written submission to the Board, a copy of which had previously been circulated to Members.

Councillor Cassidy moved grant of the request which was unanimously agreed.



INVERCLYDE LICENSING BOARD – 6 JUNE 2024

LICENSING (SCOTLAND) ACT 2005

(7) APPLICATION FOR TRANSFER OF PREMISES LICENCE

<u>No</u>	<u>Applicant</u>	<u>Premises</u>	<u>Current Licence Holder</u>	<u>Proposed Licence Holder</u>	<u>Decision</u>
1.	Ayub Traders Limited	<b>Broomhill Off Sales and Convenience Store</b> 4 Broomhill Way Greenock PA15 4HE	Ayub Traders Limited	Malhorta Scot Brothers Ltd	

Ms Sinclair advised that this item has been withdrawn.

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LICENSING (SCOTLAND) ACT 2005

(8) APPLICATION FOR OCCASIONAL LICENCE

<u>No.</u>	<u>Applicant</u>	<u>Premises</u>	<u>Event Details</u>	<u>Decision</u>
1.	<b>Blair Fisher</b>	<b>Café / Bistro</b> 118 - 120 Cathcart Street Greenock PA15 1BQ	Café / Bistro / Outdoor Seating Area  Monday - Saturday 11.00am - 11.00pm Sunday 1.00pm - 11.00pm  Premises offering - restaurant facilities, recorded music, outdoor drinking facilities. Takeaway of food with non-alcoholic drinks is provided throughout the day from 9.00am - 11.00pm  <u>Application Dates</u> 7 June – 15 June 2024 16 June – 29 June 2024 30 June – 13 July 2024 14 July – 27 July 2024 28 July – 10 August 2024	<b>GRANTED</b>

Aiden Sharkey was present representing the applicant.

Ms Sinclair advised that the premises have been operating on occasional licences since 13 September 2023 and that she had declined granting further licences under delegated authority due to the Board's concerns that no Provisional or Grant of Premises Licence application has been submitted. She confirmed that there is a Provisional Premises Licence in place for the premises, however is in a different name to that of the applicant and is due to expire in September this year.

The Licensing Standards Officers had no comment to make on the application.

Mr Aiden Sharkey explained that the applications submitted are a continuation of the occasional licences previously in force. The initial intention with this premises was for an application for transfer to be lodged. Unfortunately, the previous licence holder is no longer available and he explained that he was having difficulty in obtaining consent to the transaction to lodge an application. As such the new owner will submit a new application for a Provisional Premises Licence to be processed when the current licence expires. He intimated that it is due to these circumstances that they have been unable to progress their application. He confirmed that an appropriate application will be submitted imminently and requested that they continue with the use of occasional licences.

Councillor McVey noted that there is an outdoor drinking area included in the occasional licence application and asked that the terminal hour of such should be to 9.00pm as the Board's Policy. Mr Sharkey confirmed that this is accepted.

Councillor Robertson moved grant of the applications as amended and that further occasional licence applications submitted are granted under delegated authority with clear progress on the Provisional Premises Licence Application being kept under review, which was unanimously agreed.