

## **INVERCLYDE LICENSING BOARD**

**THURSDAY 5 DECEMBER 2024 AT 10.00 A.M.**

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

**Chair:** Councillor Brooks presided.

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

**Apologies:** Councillor Jackson 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, Law, McVey and Robertson in attendance and Councillor Reynolds attending remotely.

### **LICENSING (SCOTLAND) ACT 2005 MINUTES OF MEETINGS HELD ON 5 SEPTEMBER AND 31 OCTOBER 2024**

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

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

Decision as per attached list.

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

Decision as per attached list.

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

Decision as per attached list.

#### **APPLICATIONS GRANTED UNDER DELEGATED AUTHORITY FOR THE PERIOD FROM 1 AUGUST TO 31 OCTOBER 2024**

Noted

INVERCLYDE LICENSING BOARD – THURSDAY 5 DECEMBER 2024

LICENSING (SCOTLAND) ACT 2005

(3) APPLICATION FOR VARIATION OF PREMISES LICENCE

| <u>No</u> | <u>Applicant</u> | <u>Premises</u>                                  | <u>Variation Details</u>  | <u>Decision</u>   |
|-----------|------------------|--|---|---|
| 1.        | Devinder Dhesi   | <b>Cleats Bar</b><br>4 Kempock Street<br>Gourock | (a) Add outdoor drinking/ dining area to premises licence. Outdoor Area located at side of premises including raised decking area and ground level seating area at side of premises. Layout plan amended accordingly.<br><br>(b) Add outdoor drinking to activities be provided on the premises during core licensing hours. (Tick Box Yes)<br><br><b>Existing</b><br>Tick Box - No | <b>GRANTED<br/>AS<br/>AMENDED</b><br><br><b>GRANTED</b> |

Mr Lamb, Messrs Maitlands was present representing the applicant.

Ms Sinclair advised the Board that this item had been continued from the previous meeting to allow Mr Lamb an opportunity to consult with his client and clarify the area to be licensed. She also intimated that Police Scotland have submitted a representation to the application by letter dated 6 August 2024 and read the contents to the Board, a copy of which had previously been circulated to Members. The Police representation requested that additional conditions pertaining to the use of the outdoor area are placed on the licence, if granted

Sergeant Robertson had no further comments and the Licensing Standards Officer had no comments to make.

Mr Lamb addressed the Board advising that the raised decking area is to be removed from the application and the area sought is located at the side of the premises, adding a total of 20 seated persons. An updated layout plan was received from Mr Lamb which had previously been circulated to consultees and Members. Mr Lamb confirmed that his client was in agreement with the additional conditions requested by Police Scotland.

Following discussion, Councillor Brooks moved grant of the application as amended and with additional conditions, which was unanimously agreed.

INVERCLYDE LICENSING BOARD – THURSDAY 5 DECEMBER 2024

LICENSING (SCOTLAND) ACT 2005

(4) APPLICATION FOR TRANSFER WITH VARIATION OF PREMISES LICENCE

| <u>No</u> | <u>Applicant</u> | <u>Premises</u>  | <u>Transfer and Variation Details</u>   | <u>Decision</u> |
|-----------|------------------|--|---|-----------------|
| 1.        | Kulbinder Singh  | <b>Bullseye Sports Bar</b><br>11 Brougham Street<br>Greenock | (a) Transfer licence holder to A to B Construction Limited  | <b>GRANTED</b>  |
|           |                  |  | (b) Add outdoor drinking during core licensing hours to activities to be provided on the premises. (Tick Box – Yes) | <b>GRANTED</b>  |
|           |                  |  | <b>Existing</b><br>(Tick Box – No)  |                 |
|           |                  |  | (c) Increase occupancy capacity to 230 persons.   | <b>REMOVED</b>  |
|           |                  |  | <b>Existing</b><br>200 persons  |                 |
|           |                  |  | (d) Amend layout plan to include outdoor drinking area at the side of the premises.                                 | <b>GRANTED</b>  |

Mr Maciver, Messrs Brunton Miller was present representing the applicant.

Ms Sinclair advised that Police Scotland have submitted a representation advising there is no objection to the application, however have requested that additional conditions pertaining to the outdoor area be added to the licence, if granted. She read the contents of the Police Scotland letter to the Board, a copy of which had previously been circulated to Members. Ms Sinclair also advised that the addition of an outdoor area to the premises does not increase the overall capacity of the premises.

Sergeant Robertson confirmed that the conditions requested are standard conditions for outdoor areas.

The Licensing Standards Officer had no comments to make.

Mr Maciver addressed the Board, and confirmed that the reference to an increase in occupancy capacity is to be removed from the application. He

provided background information on the running of the premises. Mr Maciver intimated that the terminal hour of 9pm for outdoor area is acceptable and is content with the Board's Outdoor Policy Conditions.

Following a private discussion, Councillor Robertson moved grant of the application as amended which was unanimously agreed.

INVERCLYDE LICENSING BOARD – THURSDAY 5 DECEMBER 2024

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.        | Marbla Coffee Ltd | <b>Café Monza</b><br>118 Cathcart Street<br>Greenock | <b>Description of Premises</b><br>Restaurant with outside seating area situated within two units on ground floor of a three storey property.<br><br><b>Core Licensing Hours – On Sales</b><br>Monday – Sunday 11.00am – 12 Midnight<br><br><b>Core Licensing Hours – Off Sales</b><br>N/A<br><br><b>Seasonal Variations</b><br>Any seasonal extensions operated in accordance with Inverclyde Licensing Board Policy.<br><br><b>Activities</b><br>Restaurant facilities, receptions including weddings, funerals, birthdays, retirements etc, recorded music and outdoor drinking facilities to be provided on the premises both during and outwith core licensing hours. (Tick Box – Yes)<br><br>Live Performances to be provided on the premises during core licensing hours (Tick Box – Yes)<br><br><u>Further Details</u><br>Breakfasts, non-alcoholic refreshments and private pre-booked functions to be accommodated for only prior to the commencement core licensing hour. | <b>GRANTED</b>  |

| <u>No</u> | <u>Applicant</u> | <u>Premises</u>                                      | <u>Proposed Licence Details</u>  | <u>Decision</u> |
|-----------|------------------|--|--|-----------------|
|           |                  | <b>Café Monza</b><br>118 Cathcart Street<br>Greenock | <b>Children and Young Persons</b><br><u>Terms</u><br>Children and Young Persons permitted as per Inverclyde Licensing Board's Children and Young Persons Policy in Licensed Premises.<br><br><u>Ages</u><br>All Ages<br><br><u>Times</u><br>As per Inverclyde Licensing Board's Children and Young Persons Policy in Licensed Premises.<br><br><u>Parts</u><br>All Areas<br><br><b>Capacity of Premises</b><br>49 persons<br><br><b>Designated Premises Manager</b><br>To be confirmed |                 |

Mr Aiden Sharkey was present representing the applicant.

Ms Sinclair advised that no objections or representations have been received and that the Planning Section 50 Certificate is in place.

Mr Sharkey addressed the Board advising that the premises previously operated by way of occasional licences and that the terms of the application are similar to the occasional licences granted. He confirmed the outdoor seating area would cease at 9.00pm

There followed a discussion regarding take-away food with non-alcoholic drinks which was included within the occasional licences. Mr Sharkey confirmed that the take-away aspect is not part of this application.

Councill Brooks moved grant of the application which was unanimously agreed.

| <u>No</u> | <u>Applicant</u>         | <u>Premises</u>                      | <u>Proposed Licence Details</u>  | <u>Decision</u> |
|-----------|--------------------------|--------------------------------------|--|-----------------|
| 2.        | 7B Properties (West) Ltd | <b>20 Kilmacolm Road</b><br>Greenock | <p><b>Description of Premises</b><br/>Convenience store with off sale facility situated in range of four single storey shops.</p> <p><b>Core Licensing Hours – On Sales</b><br/>N/A</p> <p><b>Core Licensing Hours – Off Sales</b><br/>Monday – Sunday 10.00am – 10.00pm</p> <p><b>Seasonal Variations</b><br/>None</p> <p><b>Activities</b><br/>None (Tick Box – No)</p> <p><b>Children and Young Persons</b><br/>N/A</p> <p><b>Capacity of Premises</b><br/>Alcohol Display Area – 20.70 sq.m.<br/>5 persons in the Alcohol Display Area at any one time.<br/>20 persons permitted in the shop premises at any one time.</p> <p><b>Designated Premises Manager</b><br/>To be confirmed</p> | <b>GRANTED</b>  |

Mr Lamb, Messrs Maitlands was present representing the applicant. Mr Bateman, Director was in attendance.

Ms Sinclair advised that no objections or representations have been received and that the Planning Section 50 Certificate is in place.

Mr Lamb addressed the Board advising that this is a newly built complex of four units and will provide an additional facility to the area. He provided information as to the operation of the premises.

The Licensing Standards Officer sought clarification on the capacity of the premises as it was unusual to reference that 5 persons are permitted in the Alcohol Display Area at any one time.

| <u>No</u>  | <u>Applicant</u>     | <u>Premises</u>                          | <u>Proposed Licence Details</u>  | <u>Decision</u> |
|--|----------------------|--|--|-----------------|
| <p>The Public Protection Manager/Licensing Standards Officer also sought clarity on the alcohol display area in the layout plan provided which states 'Fully Glazed, Cooled Alcohol Display' and where alcohol not requiring to be cooled e.g. spirits would be displayed.</p> <p>Mr Bateman advised that the premises would incorporate a new concept of a cave type structure. He confirmed that all the alcohol will be displayed within the Cave, hence the requirement of only five persons being in the area at any one time.</p> <p>Following discussion, Councillor McVey moved grant of the application which was unanimously agreed.</p> |                      |  |  |                 |
| 3.   | Picturehouse Limited | <b>76 – 80 Kempock Street</b><br>Gourock | <p><b>Description of Premises</b><br/>The premises consist of three rooms, (1) low capacity cinema room, (ii) cocktail bar, (iii) foyer seating area. Conservatory bar/seating area and outdoor seating area.</p> <p><b>Core Licensing Hours – On Sales</b><br/> Monday – Thursday    12 Noon – 12 Midnight<br/> Friday &amp; Saturday    12 Noon – 1.00am<br/> Sunday                    12 Noon – 12 Midnight</p> <p><b>Core Licensing Hours – Off Sales</b><br/>N/A</p> <p><b>Seasonal Variations</b><br/>Seasonal variations operated in accordance with Inverclyde Licensing Board's Policy.</p> <p><b>Activities</b><br/>Bar meals, receptions including weddings, funerals, birthdays, retirements etc., Club or other group meetings, recorded music, theatre, films and outdrinking facilities to be provided on the premises during core licensing hours.<br/>(Tick Box – Yes)</p> | <b>GRANTED</b>  |



| <u>No</u> | <u>Applicant</u> | <u>Premises</u>                          | <u>Proposed Licence Details</u>   | <u>Decision</u> |
|-----------|------------------|--|---|-----------------|
|           |                  | <b>76 – 80 Kempock Street</b><br>Gourock | <p><u>Other Activities</u><br/>The Cinema Room on occasions, may be used as a Games Room with games console or similar and be available for groups and private functions.</p> <p><b>Children and Young Persons</b><br/><u>Terms</u><br/>Children and Young Persons are permitted when accompanied by a suitable adult.</p> <p>Children and Young Persons permitted as per the Licensing Board's Children and Young Persons in Licensed Premises Policy.</p> <p><u>Ages</u><br/>All Ages</p> <p><u>Times</u><br/>Children and Young Persons are permitted when accompanied by a suitable adult until 10.30pm.</p> <p>Films shown over such time constraints, children &amp; young persons will depart premises immediately after showing.</p> <p>Films that run from any time before 10.30pm and finish any time after 10.30pm, regarded similarly to the "family or non-family orientated" events that allow children and young persons to be within licensed premises outwith the usually permitted times.</p> <p>With the exception of the above, Children and Young Persons permitted as per the Licensing Board's Children and Young Persons in Licensed Premises Policy.</p> |                 |

| <u>No</u> | <u>Applicant</u> | <u>Premises</u>                          | <u>Proposed Licence Details</u>  | <u>Decision</u> |
|-----------|------------------|--|--|-----------------|
|           |                  | <b>76 – 80 Kempock Street</b><br>Gourock | <p><u>Parts</u><br/>All public areas apart from access to the interior bar.</p> <p><b>Capacity of Premises</b><br/>50 persons</p> <p><b>Designated Premises Manager</b><br/>Clyde Murray</p> |                 |

Mr Murray, applicant was present.

Ms Sinclair advised that Police Scotland has submitted a representation to the application and a public objection has also been received. She also advised that the Planning Section 50 Certificate had been issued for a bar and restaurant, not cinema. Ms Sinclair read the contents of the Police Scotland comments and the public objection, a copy of which had previously been circulated to Members.

Mr Murray addressed the Board providing his business proposals and operation of the premises. He confirmed that he will be liaising with Planning and Building Standards to formalise plans and certificates. He accepted the Outdoor Conditions outlined in the Police Scotland response and confirmed the boundary is defined by the brick wall. Mr Murray intimated that the outdoor area will have CCTV and emergency lighting. Mr Murray spoke on the points raised by the objector. He explained the reason for Children and Young Persons to be permitted on the premises outwith the Board's Policy. Mr also provided information regarding the layout plan of the premises and in particular to the proposed Cinema area.

Following a private discussion, Councillor Reynolds moved grant of the application with the addition of the Police Scotland Outdoor Conditions, and that Children and Young Persons are permitted as per the Board's Policy and with an undertaking from Mr Murray that Planning matters will be resolved.

There was no amendment to the motion, which was unanimously agreed.