

INVERCLYDE LICENSING BOARD

WEDNESDAY 22 FEBRUARY 2012 AT 10 AM

Present: Councillors Ahlfeld, Brooks, Dorrian, McCallum, Moran and Wilson.

Chair: Councillor Wilson presided.

In attendance: Mr James Douglas (for Clerk to the Board), Divisional Commander David Stewart and Sergeant David MacDonald (Strathclyde Police), John Cushnaghan (Licensing Standards Officer).

Apologies: Councillor Grieve.

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

Decision as per attached list.

LICENSING (SCOTLAND) ACT 2005 APPLICATION FOR GRANT OF PREMISES LICENCE

Three Sisters Bake LLP, Sommerville Weir Hall, Faith Avenue, Quarriers Village, Bridge of Weir

Mr Douglas advised the Board that the applicant had requested further continuation of the application as the Section 50 Certificate from Building Standards still remains outstanding, however it is anticipated that this matter will be concluded shortly.

The Board agreed to continue the application to the next meeting of the Board.

LICENSING (SCOTLAND) ACT 2005 REVIEW OF PREMISES LICENCE

Port & Harbour, Customhouse Place, Greenock

Mr Douglas advised the Board that HM Revenue and Customs requested review of the Premises Licence at Port & Harbour, Customhouse Place, Greenock. The matter was brought before the Licensing Board at their meetings on 1 December 2011 and 26 January 2012 where Members agreed to the continuation of the review, in both instances, at the request of the Solicitor acting for the licence holder.

Ms Brynes, Messrs Young and Partners, was present representing the applicant together with her client Mr Ahmed. Mr Pettigrew was present representing HM Revenue and Customs and Mr J Cushnaghan, Inverclyde Licensing Standards Officer, was also present.

The submitted documents which were subject to the review were confirmed between the Board and Ms Brynes.

The Board heard from Ms Brynes in support of the licence holder and Mr Pettigrew in support of their letter dated 19 October 2011 requesting review of the Premises Licence.

The Board agreed grounds for review were met, and the decision on this item be conjoined with the following agenda item as it referred to the same premises and a further review of the Premises Licence.

Port & Harbour, Customhouse Place, Greenock

Mr Douglas advised the Board that the Chief Superintendent, Strathclyde Police requested review of the Premises Licence at Port & Harbour, Customhouse Place, Greenock. The matter was brought before the Licensing Board at their meetings on 1 December 2011 and 26 January 2012 where Members agreed to the continuation of the review, in both instances, at the request of the Solicitor acting for the licence holder.

Ms Brynes, Messrs Young and Partners, was present representing the applicant together with her client Mr Ahmed. Mr J Cushnaghan, Inverclyde Licensing Standards Officer was also present.

The submitted documents which were subject to the review were confirmed between the Board and Ms Brynes.

The Board heard from Ms Brynes in support of the licence holder and Divisional Commander Stewart in support of the Police submissions. There followed a full discussion.

The Board agreed grounds for review were met, and considered a conjoined decision with the previous agenda item.

The Board asked Ms Brynes to make any submissions on behalf of her client which she undertook.

There followed a motion by Councillor Brooks to suspend the Premises Licence with immediate effect for 4 weeks, as an amendment, Councillor Ahlfield moved immediate suspension of the Premises Licence for 6 weeks. On a vote 3 Members voted for the motion and 3 Members voted for the amendment. The Chair took up his ability for casting vote and declared the amendment carried.

The Chair addressed the Board on the final decision to suspend the Premises Licence for a period of 6 weeks with immediate effect to allow:-

- (i) retraining of all staff to ensure suitable management of the premises;
- (ii) all non-duty paid alcohol to be removed from the premises;
- (iii) HMRC to visit the premises prior to re-opening to ensure measures are complied with and to write to the Clerk with their findings; and
- (iv) LSO to visit the premises prior to re-opening to ensure all Notices are displayed appropriately and Staff Training Records are current and updated and submit a report to the Clerk.

Wemyss Bay Hotel, 23 Greenock Road, Wemyss Bay

Mr Douglas advised the Board that HM Revenue and Customs and the Chief Superintendent, Strathclyde Police, requested review of the Premises Licence at Wemyss Bay Hotel, 23 Greenock Road, Wemyss Bay. The matter was brought before the Licensing Board at their meetings on 1 December 2011 and 26 January 2012 where Members agreed to the continuation of the review, in both instances, at the request of the Solicitor acting for the licence holder.

Ms Brynes, Messrs Young and Partners, was present representing the applicant together with her client Mr Ahmed. Mr Pettigrew was present representing HM Revenue and Customs and Mr J Cushnaghan, Inverclyde Licensing Standards Officer was also present.

The submitted documents which were subject to the review were confirmed between the Board and Ms Brynes.

The Board heard from Ms Brynes in support of the licence holder, Divisional Commander Stewart in respect of the Police submissions and Mr Pettigrew in support of their letter dated 19 October 2011 requesting review of the Premises Licence.

Ms Brynes suggested agenda items 5 and 6 be conjoined and documentation be discussed pertaining to both review requests. The Board agreed.

The Board agreed grounds for review were met and the decision on this item be conjoined with the following agenda item as it referred to the same premises and a further review of the Premises Licence.

Wemyss Bay Hotel, 23 Greenock Road, Wemyss Bay

Mr Douglas advised the Board the Chief Superintendent, Strathclyde Police, requested review of the Premises Licence at Wemyss Bay Hotel, 23 Greenock Road, Wemyss Bay.

Ms Brynes, Messrs Young and Partners, was present representing the applicant together with her client Mr Ahmed. Mr J Cushnaghan, Inverclyde Licensing Standards Officer was also present.

The submitted documents which were subject to the review were confirmed between the Board and Ms Brynes.

Ms Brynes suggested this item be considered together with the previous item and documentation be discussed pertaining to both review requests. The Board agreed.

The Board heard from Ms Brynes in support of the licence holder, Divisional Commander Stewart in respect of the Police submissions and Mr Pettigrew, HMRC in support of their letter dated 19 October 2011. There followed a full discussion.

The Board agreed grounds for review were met and asked Ms Brynes to make any submissions on behalf of her client which she undertook.

There followed a motion by Councillor Dorrian to suspend the Premises Licence with immediate effect for 2 weeks which was unanimously agreed.

The Chair addressed the Board on the decision to suspend the Premises Licence for a period of 2 weeks with immediate effect to allow:-

- (i) retraining of all staff to ensure requirements of Licence and Licensing (Scotland) Act 2005 are understood and complied with;
- (ii) all non-duty paid alcohol to be removed from the premises;
- (iii) HMRC to visit the premises prior to re-opening to ensure measures are complied with and to write to the Clerk with their findings; and
- (iv) LSO to visit the premises prior to re-opening to ensure all Notices are displayed appropriately and Staff Training Records are current and updated and submit a report to the Clerk.

INVERCLYDE LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

(1) APPLICATION FOR VARIATION OF PREMISES LICENCE

<u>No</u>	<u>Name and Address of Applicant</u>	<u>Address of Premises</u>	<u>Variation Details</u>	<u>Decision</u>
1.	Larkfield Masonic Association 1 Auchmead Road Greenock	Larkfield Masonic Association 1 Auchmead Road Greenock	Variation to core hours for consumption on premises to:- Monday – Thursday 11.00 am – 11.45 pm Friday & Saturday 11.00 a.m. – 1.00 am Sunday 11.00 a.m. – 11.45 pm Existing Monday – Thursday 12 Noon – 4.30 pm & 7.00 pm – 11.45 pm Friday 12 Noon – 1.00 am Saturday 12.30 pm – 1.00 am Sunday 12.30 pm – 11.45 pm	GRANTED

Ms. Janet Spiers, Club Mistress and Mr Billy Hendry, Club Official were present. The Board heard Ms Spiers and Mr Hendry in support of the application and Divisional Commander Stewart in support of the Police representation. After discussion the Board agreed to grant the application.