

## **INVERCLYDE LICENSING BOARD**

**THURSDAY 19 APRIL 2012 AT 10 AM**

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

**Chair:** Councillor Wilson presided.

**In attendance:** Mr James Douglas (for Clerk to the Board), Chief Inspector Shepherd and Sergeant David MacDonald (Strathclyde Police), John Cushnaghan (Licensing Standards Officer) and Andrina Hunter (Community Health & Care Partnership)

**Apologies:** Councillor White.

**Declarations of Interest:** Councillor Wilson declared a non-financial interest in Agenda Item 1/1 (Lodge Cumberland Kilwinning No. 217) although not a member of the Club he will be attending a meeting within the premises.

Councillor Dorrian declared a financial interest in Agenda Item 1/2 (54-56 Fancy Farm Road Greenock) by virtue of business dealings with the applicant.

The Chair thanked the Police, Solicitors, Community Health & Care Partnership, Licensing Standard Officers, Depute Clerk, Administration staff and all Members of the Board for their assistance over the past 5 years.

### **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**

Gillian Reith, applicant was present.

Mr Douglas advised the Board that all Section 50 Certificates have been granted.

The Board heard Ms Reith confirming children will be permitted on the premises as per the Board's Policy.

The Board agreed to grant the application.

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

**Sam's Superstore, 16 Moss Road, Port Glasgow**

Mr Tomlinson, Neill Clerk & Murray was present representing the applicant.

The Board heard Chief Inspector Shepherd removing the Police objection submitted as it was a duplication of their objection previously considered by the Board when determining the Provisional Premises Licence application.

Mr Douglas advised the Board of a discrepancy in the alcohol display area figure as depicted on the layout plan. The Board heard Mr Tomlinson confirming same and submitted amended plans with correct figure.

The Board agreed to grant the application.

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

### **Arts & Drama Centre, (former Orangefield Baptist Church), Orangefield Place, Greenock**

Mr Tomlinson, Neill Clerk & Murray was present representing the applicant together with Ms Varty, applicant. Mr Norman McNeil, objector was present.

The Board considered 7 public objections to the application. The Board heard Mr Tomlinson and Ms Varty in support of the application.

After discussion, Councillor McCallum moved grant of the application, as an amendment, Councillor Brooks moved refusal, on a vote, three members voted for the motion and three members for the amendment. The Chair had casting vote and declared the application granted within the Board's standard terms and conditions.

### **Sainsbury's Store, 32 – 36 Kempock Street, Gourock**

Mr Clancy, Shepherd & Wedderburn was present representing the applicant together with Mr Shields, Manager, Sainsbury's. None of the objectors were present, Mr James Lamb in support of the application was present.

The Board considered 35 public objections, 5 public support letters and an observation by Community Health & Care Partnership.

The Board heard Ms Hunter in respect of the Community Health & Care Partnership observation, Mr Lamb in relation to his letter of support and Mr Clancy in support of the applicant.

The Board agreed to grant the application.

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

### **20/22 Cumberland Road, Greenock**

Miss Aisha Saddiq, transferee was present.

Mr Douglas advised the Board the Clerk had declined delegated powers in granting this application as the Police had intimated the transferee has a relevant offence.

The Board heard Chief Inspector Shepherd in respect of the offence and Miss Saddiq in support of the application.

The Board agreed to grant the application.

**GAMBLING ACT 2005  
APPLICATION TO VARY A PREMISES LICENCE**

**Mecca Bingo Club, Waterfront, Container Way, Greenock**

Mr Douglas advised the Board that the Solicitor acting for the applicant has requested continuation of the application to the next meeting.

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

**LICENSING (SCOTLAND) ACT 2005  
REQUEST TO VARY OCCASIONAL LICENCE CONDITIONS**

**Anthony Buckley, Inverclyde Catering & Events Ltd, 31 Turnberry Avenue, Gourock**

Mr Ian Scott, President, Port Glasgow Boys Club was present representing the licence holder.

Mr Douglas advised the Board that Mr Scott sought a variation to the Occasional Licence previously granted to Mr Buckley. The licence was in respect of a Presentation evening for Port Glasgow Boys Club. The variation sought was in respect of the terminal hour of 11.00 p.m. when children have to leave the premises.

The Board heard Mr Scott in support of his request. The Board heard Chief Inspector Shepherd and Ms Hunter objecting to the request.

The Board agreed to grant the request and allow children to attend the event to the terminal licence hour of 12.45 a.m.

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

**Unity Club, Southfield Avenue, Port Glasgow**

Mr O'Donnell, Blair & Bryden was present representing the licence holder together with Mr Morrison and Mr Patrick, Committee Members of the Club.

Mr Douglas advised the Board that Strathclyde Police and Licensing Standards Officer requested review of the Premises Licence at Unity Club, Southfield Avenue, Port Glasgow.

The Board agreed that grounds for review were met.

The Board heard Chief Inspector Shepherd and Mr Cushnaghan in support of their request. The Board heard Mr O'Donnell, Mr Morrison and Mr Patrick in support of the licence holder.

After discussion, the Board unanimously agreed to suspend the Premises Licence for a period of three weeks with immediate effect to allow:-

- (i) new Committee to be formed;
- (ii) to seek assistance from Police, Licensing Standards Officer, Solicitor, Training Providers etc to assist in adhering to legislation;
- (iii) all bar staff to undergo training and records to be created and kept;
- (iv) Police and Licensing Standards Officer to visit the premises prior to re-opening to ensure all Notices are displayed appropriately; and

- (v) An impromptu visit will be undertaken after the 3 week period of suspension by the Licensing Standards Officer and if any further reports are brought back to the Board's attention a more stringent outcome may be imposed to ensure the licensing objectives and legislation are being adhered to.

## **LICENSING (SCOTLAND) ACT 2005 THE QUEEN'S GOLDEN JUBILEE EXTENDED HOURS**

The Board considered a report by the Clerk to the Board to determine whether the Board wishes to extend the terminal hour of Premises Licences on the day of the Queen's Jubilee or any day/s preceding it and whether or not the curfew should cease operation during the said period(s).

The Board heard Chief Inspector Shepherd objecting to a blanket extension of hours and any change to the curfew. Their preference being licence holders apply for individual extended hours applications.

After discussion the Board agreed:-

- (i) all premises licences (except off sales) be granted a 1 hour extension to their existing terminal core hour for the evenings of Saturday 2 June, Sunday 3 June, Monday 4 June and Tuesday 5 June 2012; and
- (ii) no change to the current curfew.

INVERCLYDE LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

(1) APPLICATION FOR VARIATION OF PREMISES LICENCE

The Chair declared a non-financial interest in the following item, although not a member of the Club he will be attending a meeting within premises and therefore left the meeting. Councillor Dorrian assumed the Chair.

<u>No</u>	<u>Name and Address of Applicant</u>	<u>Address of Premises</u>	<u>Variation Details</u>	<u>Decision</u>
1.	Lodge Cumberland Kilwinning No. 217 11A King Street Port Glasgow	<b>Lodge Cumberland Kilwinning No. 217</b> 11A King Street Port Glasgow	(a) Variation to core hours for consumption on premises to:-  Monday – Wednesday 7.00 p.m. – 12 Midnight Thursday 7.00 p.m. – 1.00 a.m. Friday 12 Noon – 1.00 a.m. Saturday 12 Noon – 12 Midnight Sunday Closed  <b>Existing</b> Monday – Wednesday Closed Thursday & Friday 9.00 p.m. – 1.00 a.m. Saturday 11.30 a.m. – 5.00 p.m. & 7.00 p.m. – 1.00 a.m. Sunday Closed	GRANTED
			(b) Variation to activities held within premises outwith core licensed hours:-  To add receptions including weddings, funerals, birthdays, retirements etc. (Tick box to Yes)  <b>Existing</b> No	GRANTED

Mr James Cowan, Secretary was present.

Mr Douglas advised the Board that the variation sought is within the Board's guidelines.

The Board agreed to grant the application.

Councillor Dorrian vacated the Chair and left the meeting as he declared a financial interest in the next item by virtue of business dealings with the applicant.

Councillor Wilson resumed the Chair.

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| 2. | Mrs Jasbir Lalley<br>101 Newton Street<br>Greenock | <b>54 – 56 Fancy Farm Road</b><br>Greenock | (a) Variation to layout plan of the premises.  | GRANTED   |
|    |  |  | (b) Variation to increase alcohol display area to 21 sq. m.<br><br><b>Existing</b><br>7.8 sq. m. | GRANTED<br>SUBJECT TO<br>BUILDING<br>STANDARDS<br>COMPLETION<br>CERTIFICATE |

Mr Tomlinson, Neill Clerk & Murray, was present representing the applicant.

The Board considered a representation by Strathclyde Police and Community Health & Care Partnership. The Board heard Chief Inspector Shepherd and Ms Hunter in support of their representation and Mr Tomlinson in support of the applicant.

After discussion, Councillor Brooks moved grant of the application subject to Completion Certificate being granted by Building Standards which was unanimously agreed.

Councillor Dorrian returned to the meeting after consideration of this item.

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| 3. | Pennine Leisure Ltd<br>127 Dale Street<br>Milnrow<br>Rochdale | <b>The Kellybank Inn</b><br>Kellybank Holiday Park<br>Wemyss Bay | (a) Variation to layout plan of the premises including increased lounge bar area, new additional pool room area, new family room area, side room area and sun deck areas.  | GRANTED<br>SUBJECT TO<br>BUILDING<br>STANDARDS<br>COMPLETION<br>CERTIFICATE |
|    |   |  | (b) Variation of premises to be open from 1 March – 6 January in any year.<br><br><b>Existing</b><br>1 March – 5 January in any year.  | GRANTED   |
|    |   |  | (c) Variation to permitted areas for children and young persons to include the two pool room areas, side room, family room, lounge bar and sun deck area.<br><br><b>Existing</b><br>Bar area to right of the premises from the entrance hall, family room and pool room. | GRANTED   |

- (d) Variation to Condition 1 of Inverclyde Licensing Board's Children and Young Persons in Licensed Premises Conditions to permit children and young persons on premises until 11.00 p.m. within sight of an accompanying adult. Otherwise in accordance with Inverclyde Licensing Board's Children and Young Persons in Licensed Premises Conditions. **GRANTED**
- Existing**
- (i) Children must be within sight of an accompanying adult at all times.
- (ii) In accordance with Inverclyde Licensing Board's Children and Young Persons in Licensed Premises Conditions.
- (e) Variation to occupancy capacity inline with alterations to premises as follows:- **GRANTED**
- Club Room – 70 persons; Lounge Bar – 70 persons; Family Room – 20 persons; Pool Room Areas (x2) – 8 persons in each room; and Sun Deck – 20 persons. Total – 196 persons.
- Existing**  
60 persons
- (f) Variation to activities held within premises during core licensed:- **GRANTED**
- To add dance facilities and Indoor/Outdoor Sports  
(Tick box to yes)
- Existing**  
No
- (g) Note variation of licence holder change of address. **NOTED**

Mr Harvey, Blair & Bryden was present representing the applicant.

The Board considered a recommendation by Community Health & Care Partnership and heard Ms Hunter in support of the recommendation. The Board heard Mr Harvey in support of the applicant and confirmed the premises already operate the recommendation by Community Health & Care Partnership that children are not permitted near the bar counter.

The Board agreed to grant the application.

4. Mearns T McCaskie  
Bayview  
9A Shore Road  
Wemyss Bay

**Mearns T McCaskie**  
Bayview  
9A Shore Road  
Wemyss Bay

(a) Variation to layout of premises to extend premises to include Café/Restaurant Area. GRANTED

**Existing**

Delicatessen, butchers and wine merchants.

(b) Variation to sale of alcohol for consumption on and off premises as follows:- AMENDED TO

**On Sales**

Monday – Wednesday	11.00 a.m. – 10.00 p.m.
Thursday – Saturday	11.00 a.m. – 12 Midnight
Sunday	11.00 a.m. – 10.00 p.m.

WITHIN  
BOARD'S  
POLICY AND  
GRANTED

**Off Sales**

Monday – Sunday	10.00 a.m. – 10.00 p.m.
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**Existing**

**On Sales**

N/A

**Off Sales**

Monday – Sunday	10.00 a.m. – 8.00 p.m.
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(c) Variation to activities held within premises during and outwith core licensed hours:- GRANTED

To add Restaurant facilities and recorded music.  
(Tick box to Yes)

**Existing**

No

(d) Children and Young Persons are permitted in the premises as follows:- AMENDED TO

**Terms**

Café/Restaurant – if accompanied by a responsible adult  
Shop – No restriction

WITHIN  
BOARD'S  
POLICY AND  
GRANTED

**Times**

Until 10.00 p.m.



**Parts of Premises allowed entry**

All parts

**Existing**

N/A

(e) Variation to occupancy capacity as follows:-

Off Sales – 30 sq. m.  
On Sales – 60 persons

GRANTED  
FIGURE AS  
CONFIRMED  
BY BUILDING  
STANDARDS

**Existing**

20 sq. m. alcohol display area

Mr Mirner, Boyle Shaughnessy was present representing the applicant.

The Board heard Mr Mirner and confirmed that the application be amended to within the Board's Policies on all aspects and occupancy capacity as confirmed by Building Standards.

The Board agreed to grant the application as amended.

5.	Reo's Ltd 2 Ann Street Greenock	<b>Cruden Hall</b> 2 Ann Street Greenock	(a) Variation to layout plan of premises to include installation of lift.	CONTINUED
			(b) Variation of terminal core licensing hour for consumption on premises on a Sunday to 1.00 a.m.	CONTINUED
			<b>Existing</b> 12 Midnight	
			(c) Variation to activities held within premises during and outwith core licensed hours:-	CONTINUED
			(i) To add theatre, films and indoor/outdoor sports	
			(ii) To include <u>all</u> activities to be provided outwith core licensed hours. No alcohol will be sold outwith core hours unless an occasional licence or extended hours licence has been granted.	

Mr Tomlinson, Neill Clerk & Murray, was present representing the applicant.

The Board heard Chief Inspector Shepherd who made a motion to continue the application as they are unable to comment due to matters that require to be formalised. The Board heard Mr Tomlinson in support of the applicant.

The Board agreed to continue the application to a further meeting of the Board for outstanding matters to be concluded.