

INVERCLYDE LICENSING BOARD

THURSDAY 6 SEPTEMBER 2012 AT 10 AM

Present: Councillors Ahlfeld, Brennan, Campbell-Sturgess, McColgan, McEleny, Shepherd and Wilson.

Chair: Councillor Ahlfeld presided.

In attendance: Mr James Douglas (for Clerk to the Board), Sergeant David Macdonald and PC Katharine Walsh (Strathclyde Police), Kevin Hutchison (Community Health & Care Partnership) and John Cushnaghan (Licensing Standards Officer)

Apologies: Apologies for absence were intimated on behalf of Provost Moran with Councillor McColgan substituting on his behalf.

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

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

Decision as per attached list.

GAMBLING ACT 2005 APPLICATION FOR GRANT OF AN UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMIT

County Entertainments, Unit 13, Oak Mall Shopping Centre, Greenock

Mr McGowen, Lindsays was present representing the applicant.

Mr Douglas advised the Board that no adverse comments have been received.

The Board heard Mr McGowen in support of the applicant.

The Board agreed to grant the application.

LICENSING (SCOTLAND) ACT 2005 REVIEW OF PREMISES LICENCE

5 – 7 Fore Street, Port Glasgow

Mr Maciver, Brunton Miller was present representing the licence holder.

Before commencement of proceedings, Sergeant Macdonald addressed the Board on a preliminary matter. He advised that the personal licence holder was subject to a further report to the Procurator Fiscal for selling alcohol to an underage person.

Mr Douglas advised that this incident had not been intimated to the agent and as such the Board would therefore only be considering the original review before them.

Mr Douglas advised the Board that Strathclyde Police requested a review of the Premises Licence at 5 – 7 Fore Street, Port Glasgow and read the request to the Board.

The Board heard Sergeant Macdonald in support of the review and Mr Maciver in support of the licence holder.

Information in relation to the designated premises manager was included in the discussion. As this information would also be considered at Agenda Item 4, Mr Douglas suggested that the two items be conjoined. Members and Mr Maciver agreed that both items be considered together.

Mr Douglas read the letter from Strathclyde Police relating to the Personal Licence Holder.

The Board heard further from Sergeant Macdonald and Mr Maciver.

The Board heard Mr Cushnaghan in support of his inspection reports on the premises.

After a full discussion, the Board unanimously agreed the grounds for review were met. Councillor Wilson moved a written warning be given to the licence holder which was unanimously agreed.

Star Hotel Ltd, 19/21 John Wood Street, Port Glasgow

Mr Harvey, Blair & Bryden was present representing the licence holder.

Mr Douglas advised the Board that this item had been continued from the previous meeting held on 21 June 2012 to allow Strathclyde Police to consider submitted documentation and outcome of a pending court case.

Before commencement of proceedings, Mr Harvey intimated to the Board that the outstanding court case has not yet been called at court.

The Board heard Sergeant Macdonald confirm this situation. He also indicated that he had not received the documentation submitted previously.

The Board agreed to:-

- (i) remit to the Clerk to serve a copy of the documentation lodged to Strathclyde Police; and
- (ii) continue consideration of the review to the meeting of the Board to be held on 6 December 2012.

Tesco Extra, Dalrymple Street/Container Way, Greenock

Mr Douglas advised the Board that notification under Section 43 of the Licensing (Scotland) Act 2005 had been received in connection with Tesco Extra, Dalrymple Street/Container Way, Greenock to which the Chief Superintendent confirmed in terms of Section 44(4)(b).

The Board considered written submissions by Hill Brown Licensing, Solicitor on behalf of the licence holder.

The Board agreed that grounds for review were not established and noted the contents thereof.

Tesco Extra, Greenock Road, Port Glasgow

Mr Douglas advised the Board that notification under Section 43 of the Licensing (Scotland) Act 2005 had been received in connection with Tesco Extra, Greenock Road, Port Glasgow to which the Chief Superintendent confirmed in terms of Section 44(4)(b).

The Board considered written submissions by Hill Brown Licensing, Solicitor on behalf of the licence holder.

The Board agreed that grounds for review were not established and noted the contents thereof.

LICENSING (SCOTLAND) ACT 2005 REVIEW OF PERSONAL LICENCE HOLDER

Mr Sanjeev Singh, 17 Nursery Grove, Kilmacolm

The Board considered the information previously heard at Agenda Item 3/3 (Review of Premises Licence – 5 – 7 Fore Street, Port Glasgow).

Councillor Brennan moved endorsement of Mr Singh's Personal Licence, as an amendment Councillor Wilson moved no action be taken.

On a vote, one Member voted for the amendment and six Members voted for the motion which was declared carried.

LICENSING (SCOTLAND) ACT 2005 FESTIVE SEASON 2012 / 2013

The Board considered a report by the Depute Clerk to determine the Festive Season Policy for 2012 / 2013 with regard to extended hours of Premises Licences and Occasional Licence applications.

The Board heard from Sergeant Macdonald on the views of Strathclyde Police and Mr Hutchison on behalf of Community Health & Care Partnership.

After discussion, Councillor McColgan moved:-

- (i) a blanket extension be imposed in terms of Section 67 of the Licensing (Scotland) Act 2005 from Friday 14 December 2012 to Wednesday 2 January 2013 as outlined in Appendix 3 with the addition that events held must relate to the Festive Season; and
- (ii) Occasional Licences during the same period, for festive season events be allowed in terms of the Festive Season Policy and applications must be made in the normal manner.

The Board unanimously agreed the motion.

<u>No</u>	<u>Name and Address of Applicant</u>	<u>Address of Premises</u>	<u>Variation Details</u>	<u>Decision</u>
		Word Up (Cont'd) 210 Dalrymple Street Greenock	<p>(b) Commencement hour for Word Up One/Text amended to 12 Noon, 7 days a week.</p> <p>Existing 5.00 p.m. Monday - Sunday</p> <p>(c) Commencement hour for Word Up Two amended to 12 Noon, 7 days a week.</p> <p>Existing 7.00 p.m. Monday – Sunday</p> <p>(d) Terminal hour for Word Up One/Text on Friday and Saturday amended to 3.30 a.m. (bar to close 3.00 a.m.)</p> <p>Existing 3.00 a.m. (bar to close 2.30 a.m.)</p> <p>NOTE: Terminal hour Monday & Tuesday 1.00 a.m., Wednesday, Thursday and Sunday 2.00 a.m.</p> <p>(e) Terminal hour for Word Up Two on Friday and Saturday amended to 3.30 a.m. (bar to close 3.00 a.m.)</p> <p>Existing 3.00 a.m. (bar to close 2.30 a.m.)</p> <p>NOTE: Terminal hour Monday & Tuesday 1.00 a.m., Wednesday, Thursday and Sunday 2.00 a.m.</p> <p>(f) Addition of Conference facilities, theatre and films as permitted activities provided during core licensed hours. (Tick Box to Yes)</p> <p>Existing Tick Box - No</p> <p>(g) At further details of activities held within premises - addition of wording to clarify mode of operation of premises depending on use as follows:-</p> <p>This premises operates as a multi-purpose leisure facility servicing a variety of clientele in Greenock. The premises will, under normal circumstances, trade as a late night entertainment nightclub premises.</p> <p>Cont'd</p>	<p>AS ABOVE</p> <p>AS ABOVE</p> <p>AS ABOVE</p> <p>AS ABOVE</p> <p>AS ABOVE</p> <p>AS ABOVE</p> <p>AS ABOVE</p> <p>AS ABOVE</p>

No	Name and Address of Applicant	Address of Premises	Variation Details	Decision
		<p>Word Up (Cont'd) 210 Dalrymple Street Greenock</p>	<p>However, the premises will also trade during the day in relation to special events and functions only. The range of events which will be catered for at the premises is varied and includes family functions such as christening and communion parties, through to a meeting space for local community and youth groups and a venue to support local artistic groups such as amateur dramatics or musicians. The premises will only be utilised during the day where such an event has been pre-arranged and will not a matter of course be open to the general public until the early evening.</p> <p>Where the premises is utilised for a youth event to be held during the day then no alcohol will be sold.</p> <p>Existing None</p>	
			<p>(h) At any other activities – addition of further activities as follows:-</p> <p>Quiz events, charity and fundraising events, local community and youth group meetings, plays and theatrical performances and similar artistic shows and events, hospitality events.</p> <p>Existing None</p>	AS ABOVE
			<p>(i) Amendment to access for children and young persons to allow access for both under certain terms and conditions as follows:-</p> <p><u>Terms</u></p> <p>Children will be allowed access to the premises only when attending an event and in the company of an adult.</p> <p>Young Persons will be allowed access to the premises when attending an event.</p> <p><u>Ages</u></p> <p>All ages.</p> <p><u>Times</u></p> <p>Children will be allowed in the premises no later than 8.00 p.m.</p> <p>Young Persons will be allowed in the premises no later than 10.00 p.m., or 11.00 p.m. if attending an event.</p> <p><u>Parts</u> - Cont'd</p>	AS ABOVE

<u>No</u>	<u>Name and Address of Applicant</u>	<u>Address of Premises</u>	<u>Variation Details</u>	<u>Decision</u>
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Word Up (Cont'd)
 210 Dalrymple Street
 Greenock

Parts – (Cont'd)

Children and young persons will have access to the parts of the premises where a related event is occurring.

Existing

Children and young persons will not be allowed entry.

Mr McGowen, Lindsays was present representing the applicant.

Mr Douglas advised the Board of objections received from Strathclyde Police and Community Health & Care Partnership. Before intimating the objections Sergeant Macdonald addressed the Board on a preliminary matter on the proposed documentation to be submitted to the Board by the applicant's Solicitor. Sergeant Macdonald intimated that although Strathclyde Police had view of draft copies of the proposed documentation they have not been issued with a final version and therefore seek continuation of consideration of the application to allow them to peruse the documentation.

The Board heard Mr Hutchison who supported the recommendation by Strathclyde Police.

Mr McGowen requested the Board to hear the background and reasons for lodging the application while his clients were in attendance, whether the Board agree to a continuation or not.

The Board agreed to Mr Gowen's request and heard his submissions. Mr McGowen distributed the completed Risk Assessment to each Member and provided letters of support to the Chair.

After discussion the Board agreed:-

- (i) to remit to the Depute Clerk to arrange a Member's site visit to the premises;
- (ii) to remit to the Depute Clerk to circulate copies of the letters of support submitted to Members with the agreement of the applicant's Solicitor;
- (iii) requested Strathclyde Police and Community Health & Care Partnership to submit a response to the Clerk within 21 days on the proposed Risk Assessment lodged; and
- (iv) continue consideration of the application to an extra sitting of the Board to be held on 25 October 2012.

3. Cont'd

<u>No</u>	<u>Name and Address of Applicant</u>	<u>Address of Premises</u>	<u>Variation Details</u>	<u>Decision</u>
3.	Fig Promotions Ltd 12 Cross Shore Street Greenock	Red Nightclub 12 Cross Shore Street Greenock	(a) Variation to core licensing hours as follows:- Thursday 7.00 p.m. – 2.00 a.m. Friday & Saturday 7.00 p.m. – 3.30 a.m. (bar to close 3.00 a.m.) Sunday 7.00 p.m. – 2.00 a.m. (3.00 a.m. on public holidays) Existing Thursday 9.30 p.m. – 2.00 a.m. Friday & Saturday 10.00 p.m. – 3.00 a.m. (bar to close 2.30 a.m.) Sunday - Closed NOTE: Monday, Tuesday and Wednesday – Closed	CONTINUED TO FURTHER MEETING OF THE BOARD TO BE HELD ON 25 OCTOBER 2012

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

Prior to commencement of proceedings, Mr Harvey addressed the Board and requested the Board consider continuation of the application to the same Board as the previous application as there are similarities in its terms with regard to the extension of hours sought.

Mr D Thompson, objector asked the Board to consider his objection. Mr Douglas advised him the objection would still stand and be heard if the Board agreed to a continuation.

The Board agreed to continue consideration of the application to the meeting to be held on 25 October 2012.