

INVERCLYDE LICENSING BOARD
WEDNESDAY 24 OCTOBER 2012 AT 10 AM

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

Chair: Councillor Ahlfeld presided.

In attendance: Mr James Douglas (for Clerk to the Board) and Sergeant David Macdonald, Strathclyde Police.

Apologies: Apologies for absence were intimated on behalf of Provost Moran, Councillors Loughran and McColgan

There were no substitutions or declarations.

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

Decision as per attached list.

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.	Lapwine Ltd c/o Lindsays Solicitors 1 Royal Bank Place Buchanan Street GLASGOW	Word Up 210 Dalrymple Street Greenock	(a) General description of premises to be replaced with "Multi-purpose Entertainment Facility within Greenock Town Centre on ground floor of terraced building facing on to Dalrymple Street, Greenock. Existing Entertainment and Nightclub premises within Greenock Town Centre on ground floor of terraced building facing on to Dalrymple Street, Greenock.	GRANTED
			(b) Commencement hour for Word Up One/Text amended to 12 Noon, 7 days a week. Existing 5.00 p.m. Monday - Sunday	REFUSED
			(c) Commencement hour for Word Up Two amended to 12 Noon, 7 days a week. Existing 7.00 p.m. Monday – Sunday	REFUSED
			(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.) Existing 3.00 a.m. (bar to close 2.30 a.m.) NOTE: Terminal hour Monday & Tuesday 1.00 a.m., Wednesday, Thursday and Sunday 2.00 a.m.	REFUSED
			(e) Terminal hour for Word Up Two on Friday and Saturday amended to 3.30 a.m. (bar to close 3.00 a.m.) Existing 3.00 a.m. (bar to close 2.30 a.m.) NOTE: Terminal hour Monday & Tuesday 1.00 a.m., Wednesday, Thursday and Sunday 2.00 a.m.	REFUSED
			(f) Cont'd	

<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>(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>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>	GRANTED
			<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>	GRANTED
			(i) Cont'd	

<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>(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></p> <p>Children and young persons will have access to the parts of the premises where a related event is occurring.</p> <p>Existing</p> <p>Children and Young Persons <u>will not</u> be allowed entry.</p>	GRANTED

Mr S McGowen, Lindsays was present representing the licence holder together with Mr J White, Director of Lapwine, Mr D Gunn, Designated Premises Manager and Ms G MacLachlan.

Mr Douglas advised the Board that the application had been continued from a previous meeting of the Board to allow a site visit by Members which was duly carried out. He then updated the Board on the background of the application.

Mr Douglas read the objections received from Strathclyde Police and Community Health & Care Partnership. He also confirmed the letters etc lodged by the applicant's Solicitor were circulated to Board Members and all Members had a copy of the Risk Assessment submitted at the previous Board.

The Board heard Mr McGowen in support of the application and highlighted various points within the Risk Assessment document. He lodged completed questionnaires in respect of the market research carried out by his client for the Member's perusal.

The Board heard Sgt Macdonald in support of the Strathclyde Police objection.

There followed a full question and answer session by Members of the Board, during which the applicant indicated that he will check with the Police before confirming an event can take place and that he would comply with the Police decision. On conclusion of discussions, Mr McGowen and Sgt Macdonald were given the opportunity to sum up their submissions.

After deliberation the Board agreed each point detailed on the Agenda as follows:-

- (a) Councillor Ahlfeld moved grant which was unanimously agreed;
- (b) Councillor Ahlfeld moved refusal with explanation to follow which was unanimously agreed;
- (c) Councillor Ahlfeld moved refusal with explanation to follow which was unanimously agreed;
- (d) Councillor Wilson moved grant, as an amendment Councillor Campbell-Sturgess moved refusal as outwith Policy. On a vote 2 Members (Councillors Wilson and McEleny) voted for the motion and 4 Members (Councillors Ahlfeld, Brennan, Campbell-Sturgess and Shepherd) voted for the amendment which was declared carried.
- (e) Councillor McEleny moved grant, as an amendment Councillor Campbell-Sturgess moved refusal as outwith Policy. On a vote 2 Members (Councillors Wilson and McEleny) voted for the motion and 4 Members (Councillors Ahlfeld, Brennan, Campbell-Sturgess and Shepherd) voted for the amendment which was declared carried.
- (f) Councillor Ahlfeld moved grant which was unanimously agreed;
- (g) Councillor Ahlfeld moved grant which was unanimously agreed;
- (h) Councillor Ahlfeld moved grant which was unanimously agreed; and
- (i) Councillor Ahlfeld moved grant which was unanimously agreed.

Councillor Ahlfeld announced that the above decisions were granted with the Local Condition that the Risk Assessment dated 6th September 2012 will form part of the licence. All undertakings, agreements and conditions contained therein are deemed incorporated therein as conditions of the new licence. The activities now permitted under the licence may take place on each day of the week from 12 noon apart from Sunday where licensed activities may commence from 12:15pm. All permitted events where alcohol is to be sold on the premises prior to the existing licensed hours will require an Extended Hours application to be made in the normal manner.

The Board took the view that the proposal made by the applicant to contact the Police prior to each and every event, and to leave the matter entirely at the Police's discretion, was a dereliction of the Board's duty to regulate licensed premises within Inverclyde. Accordingly, the pre-arranged events to which the applicant referred within the Risk Assessment and application should be made by way of an Extended Hours Application. The Board noted that Strathclyde Police publically advised that such applications shall be determined by the Police as quickly as possible in the event that a licence was sought at short notice for an event.

Mr McGowen requested a Section 32 Direction which was agreed. He also requested a Statement of Reasons which was noted.

The Chair instructed Mr Douglas to address the parties with regard to the Inverclyde Policy relating to premises providing late night entertainment. Mr Douglas advised that the Board would be extremely grateful if substantial representations were lodged by both applicants (being this application and the next matter on the agenda) for consideration at the time of the Review of the Board's Policy Statement. Both agents noted the position.

2.	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	GRANTED WITHIN POLICY HOURS
----	---	---	--	--------------------------------------

Mr P Harvey was present representing the licence holder together with Mr I Hamil, licence holder. Mr & Mrs Thomson, public objector were also present.

Mr Douglas read the objections received from Strathclyde Police, Community Health & Care Partnership and the public objection. He also confirmed the additional photographs received from the objector were circulated to Board Members.

The Board heard Sgt Macdonald who intimated an amendment to the letter of objection by Strathclyde Police in that the word 'significant' on Page 2 Paragraph 2 be redacted.

The Board heard Mr & Mrs Thomson in support of the public objection, Mr Harvey in support of the application and Mr Macdonald in support of the Police objection.

After deliberation Councillor McEleny moved grant of the application as applied for, as an amendment Councillor Campbell-Sturgess moved grant within Policy hours. On a vote, 2 Members (Councillors McEleny and Wilson) voted for the motion and 4 Members (Councillors Ahlfeld, Brennan, Campbell-Sturgess and Shepherd) voted for the amendment which was declared carried.