

INVERCLYDE LICENSING BOARD

THURSDAY 6 DECEMBER 2012 AT 12 NOON

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

Chair: Councillor Ahlfeld presided.

In attendance: Mr James Douglas (for Clerk to the Board), Sergeant David Macdonald (Strathclyde Police) and Andrina Hunter (Community Health & Care Partnership).

Apologies: Apologies for absence were intimated on behalf of Provost Moran, Councillor McEleny and John Cushnaghan, Licensing Standards Officer.

Declarations of Interest: Councillor Brennan declared an interest in Agenda Item 3.1 - Application for Provisional Premises Licence – Beacon Arts Centre, Customhouse Quay, Greenock as he is a Board Member of the Beacon Arts Centre.

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

Decision as per attached list.

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

Decision as per attached list.

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

Decision as per attached list.

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

Decision as per attached list.

**LICENSING (SCOTLAND) ACT 2005
REVIEW OF PERSONAL LICENCE HOLDER**

Decision as per attached list.

**LICENSING (SCOTLAND) ACT 2005
CHIEF CONSTABLE REPORT TO LICENSING BOARD AND LICENSING FORUM**

Mr Douglas invited Members' comments or questions in relation to the Chief Constable's annual report which was previously circulated.

There being no comments or questions, the Board noted the report.

**GAMBLING ACT 2005
REVISED STATEMENT OF PRINCIPLES**

Mr Douglas advised the Board that the consultation process of the Board's Gambling Statement of Principles has been implemented and will revert back to the Board once concluded.

The Board noted the position.

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.	Greene King Brewing & Retailing Ltd Westgate Brewery Bury St Edmunds Suffolk	Victoria Bar 106 Shore Street Gourock	(a) Variation to terminal core hour on Thursday - Saturday to 1.00 a.m. and Sunday to 12 Midnight. Existing Thursday – Saturday 12.30 a.m. Sunday – 11.00 p.m. NOTE: Existing Core Hours:- Monday – Wednesday 11.00 a.m. – 12 Midnight Thursday – Saturday 11.00 a.m. – 12.30 a.m. Sunday 12.15pm – 11.00 p.m.	GRANTED

Mr Maciver, Brunton Miller was present representing the applicant together with Mr Simpson, representative of Belhaven Pubs and Ms Delany, designated premises manger.

Mr Douglas advised the Board that Community Health & Care Partnership submitted an objection to the application which was read to the Board.

The Board heard Ms Hunter in support of the Community Health & Care Partnership objection.

The Board heard Mr Maciver on behalf of the applicant.

After discussion, Councillor Ahlfeld moved grant of the application which was unanimously agreed.

INVERCLYDE LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

(2) APPLICATION FOR PREMISES LICENCE

<u>No</u>	<u>Name and Address of Applicant</u>	<u>Address of Premises</u>	<u>Decision</u>
1.	Mr Mohan Karki Flat 1/1 32 Bawhirley Road Greenock	Café / Bistro / Restaurant 75 West Blackhall Street Greenock (On Sales)	GRANTED

Mr Young, Philpott Platt Niblett & Wight, was present representing the applicant.

Mr Douglas advised the Board that a public objection had been received. The objector was not present or represented. Mr Douglas read the objection to the Board.

The Board heard Mr Young in support of the applicant.

After discussion, Councillor Ahlfeld moved grant of the application which was unanimously agreed.

INVERCLYDE LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

(3) APPLICATION FOR PROVISIONAL PREMISES LICENCE

<u>No</u>	<u>Name and Address of Applicant</u>	<u>Address of Premises</u>	<u>Decision</u>
1.	Greenock Arts Guild Limited Arts Guild Theatre Campbell Street Greenock	Beacon Arts Centre Customhouse Quay Greenock (Theatre, Bar, Restaurant, Function Hall and Bistro Bar)	GRANTED WITHIN POLICY

Councillor Brennan declared an interest in this item as a Board Member of the Beacon Arts Centre and took no part in the deliberations.

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

Mr Douglas advised the Board on the background of the application and highlighted that the proposed core hours and terms to which Children and Young Persons would be permitted on the premises were outwith the Board's Policy.

The Board heard Mr Tomlinson who intimated that the applicants are willing to amend the application to within the Board's Policy on all points concerned.

After discussion, Councillor Ahlfeld moved grant of the application within the terms of the Board's Policy which was unanimously agreed.

INVERCLYDE LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

(4) REVIEW OF PREMISES LICENCE

<u>No</u>	<u>Name and Address of Licence Holder</u>	<u>Address of Premises</u>	<u>Decision</u>
1.	Star Hotel Ltd 19/21 John Wood Street Port Glasgow	Star Hotel Ltd 19/21 John Wood Street Port Glasgow	WRITTEN WARNING
<p>Mr Harvey, Blair & Bryden, was present representing the applicant.</p> <p>Mr Douglas advised the Board on the background of the request for review of the Premises Licence which was continued from the Board Meeting held on 6 September 2012.</p> <p>The Board agreed the grounds for review were met.</p> <p>The Board heard Sergeant Macdonald in support of the review and intimated a number of redactions to the Chief Superintendent's letter dated 26 April 2012.</p> <p>Mr Harvey accepted the notified redactions.</p> <p>The Board further heard Sergeant Macdonald in support of the review.</p> <p>The Board heard Mr Harvey in support of the licence holder.</p> <p>After discussion, Councillor Ahlfeld moved a written warning be given to the licence holder, as an amendment, Councillor Wilson moved suspension of the Premises Licence for a period of one week with immediate effect, in a vote two Members voted for the amendment and three Members for the motion which was declared carried.</p> <p>Mr Douglas addressed the Board and intimated that Members had taken cognisance of various procedures and completed works which have already been carried out and agreed a written warning be given to the Licenceholder however it be noted that a suspension was considered due to the serious nature of the Police findings.</p> <p>Given the redactions to the Police letter, as agreed by the parties, grounds for review of the Personal Licence were not established and no further action was to be taken.</p>			
2.	Tesco Stores Ltd Tesco House Delamare Road Cheshunt Hertfordshire	Tesco Store Greenock Road Port Glasgow	NOTED
<p>Mr Douglas advised the Board that notification under Section 43 of the Licensing (Scotland) Act 2005 had been received in connection with Tesco Store, Greenock Road, Port Glasgow to which the Chief Superintendent confirmed in terms of Section 44(4)(b).</p> <p>The Board considered written submissions by Hill Brown Licensing, Solicitor on behalf of the licence holder.</p> <p>The Board agreed that grounds for review were not established and noted the contents thereof.</p>			
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| 3. | Tesco Stores Ltd
Tesco House
Delamare Road
Cheshunt
Hertfordshire | Tesco Store
Dalrymple Street/Container Way
Greenock | NOTED |
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Mr Douglas advised the Board that notification under Section 43 of the Licensing (Scotland) Act 2005 had been received in connection with Tesco Store, 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.

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| 4. | Nirmal Singh
17 Nursery Grove
Kilmacolm | 5 – 7 Fore Street
Port Glasgow | WRITTEN WARNING |
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Mr Maciver, Brunton Miller was present representing the licence holder.

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

The Board agreed that grounds for review of the Premises Licence were met.

As the information being discussed in this item also includes information in Agenda Item 5 – Review of Personal Licence Holder, Mr Douglas suggested that the two items be conjoined. Members and Mr Maciver agreed that both items be considered together.

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

After discussion, Councillor Wilson moved a written warning be given to the licence holder which was unanimously agreed.

INVERCLYDE LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

(5) REVIEW OF PERSONAL LICENCE HOLDER

<u>No</u>	<u>Name and Address of Licence Holder</u>	<u>Decision</u>
1.	Mr Sanjeev Singh 17 Nursery Grove Kilmacolm (Personal Licence No. IC468) The Board considered the information previously heard at Agenda Item 4.4 – Review of Premises Licence, 5-7 Fore Street, Port Glasgow. Councillor Wilson moved the Personal Licence held by Mr Singh be revoked with immediate effect which was unanimously agreed.	REVOKED