

INVERCLYDE LICENSING BOARD

THURSDAY 5 SEPTEMBER 2013 AT 10.00 A.M.

Present: Provost Moran, Councillors Ahlfeld, Brennan, Campbell-Sturgess, McEleney and Shepherd.

Chair: Councillor Ahlfeld presided.

In attendance: Mr James Douglas and Fiona Denver (for Clerk to the Board); Chief Inspector Kennedy (Police Scotland)

Apologies: Councillors Loughran and Wilson; John Cushnaghan, Licensing Standards Officer.

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
VARIOUS APPLICATIONS**

Decision as per attached list.

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

Decision as per attached sheet.

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

Decision as per attached list.

**LICENSING (SCOTLAND) ACT 2005
POLICY REVIEW UPDATE**

Mr Douglas advised the Board the consultation process is at an end and Members have been supplied with the consultation documents. A Board will be assigned in the near future to deal solely with the new Licensing Board Policy.

Noted.

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.	Marks and Spencer plc Waterside House 35 North Wharf Road London	Marks and Spencer 33 Hamilton Way Greenock	To increase alcohol display area from 31.88 sq. m. to 48 sq. m.	GRANTED

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

Mr Douglas advised the Board on the background of the application and intimated that no adverse comments or objections have been received.

The Board heard Mr Tomlinson in support of the application.

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

INVERCLYDE LICENSING BOARD

GAMBLING ACT 2005

(2) VARIOUS APPLICATIONS

<u>No</u>	<u>Name and Address of Applicant</u>	<u>Type of Application</u>	<u>Address of Premises</u>	<u>Decision</u>
1.	Harry Smith & Elsie Smith t/a County Entertainments 3 County Place Paisley	Adult Gaming Centre Premises Licence	County Entertainments Unit 13 Oak Mall Greenock	GRANTED

Mr McGowan, TLT was present representing the applicant together with applicants Mr Harry Smith and Mrs Elsie Smith and Mr Harris Smith. Mr Tomlinson, Neill Clerk & Murray was representing a trade objector and no public objectors were in attendance.

The Board decided to consider the application for Adult Gaming Centre Premises Licence and Unlicensed Family Entertainment Centre Gaming Machine Permit together. Mr McGowan agreed with this proposal.

Mr Douglas advised the Board that public and trade objections had been received. Before continuing with the objections Mr McGowan addressed the Board on the competency of the public objections and circulated a location map identifying the residents' addresses in relation to the premises.

The Board adjourned to consider the preliminary matter raised by Mr McGowan. A majority of the Board considered the public objections to be competent as the oak Mall was not a residential area, but rather served as the central shopping area for Greenock and Inverclyde as a whole. On returning to the Chambers Mr Douglas proceeded to read all the public objections.

The Board heard Mr Tomlinson on behalf of his client in support of their objection and Mr McGowan in support of the applicants. During discussion additional documentation was submitted in relation to the Gambling Commission – Industry Statistics 2009 – 2012 and a layout plan of the premises which were circulated to Members.

After discussion, Councillor McEleny moved grant of the Adult Gaming Centre Premises Licence and grant of the amended Family Entertainment Centre Gaming Machine Permit. As an amendment, Councillor Campbell-Sturgess moved refusal of both applications. Following a vote, 2 Members voted for the amendment and 4 Members for the motion which was declared carried.

Mr Douglas confirmed the decision to grant both applications.

The Chair made a statement to those present that Members had heard moral, crime and addiction issues which could not be considered in terms of the Gambling Act. The Board are obliged to adhere to the legislation which binds them and therefore had no legal power to refuse gambling application. They wished it to be noted that they have great sympathy with objectors' concerns.

2.	Harris Smith 362 Broad Street Glasgow	Unlicensed Family Entertainment Centre Gaming Machine Permit	County Entertainments Unit 13 Oak Mall Greenock	GRANTED
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Mr McGowan, TLT was present representing the applicant together with applicants Mr Harry Smith and Mrs Elsie Smith and Mr Harris Smith. Mr Tomlinson, Neill Clerk & Murray was representing a trade objector and no public objectors were in attendance.

The Board agreed to consider the application for Unlicensed Family Entertainment Centre Gaming Machine Permit and Adult Gaming Centre Premises Licence together. Mr McGowan agreed with this proposal.

Mr Douglas advised the Board public and trade objections had been received. Before continuing with the objections Mr McGowan addressed the Board on the competency of the public objections and circulated a location map identifying the residents' addresses of the objectors in relation to the premises.

The Board adjourned to consider the preliminary matter raised by Mr McGowan. A majority of the Board considered the public objections to be competent as the oak Mall was not a residential area, but rather served as the central shopping area for Greenock and Inverclyde as a whole. On returning to the Chambers Mr Douglas proceeded to read all the public objections.

The Board heard Mr Tomlinson on behalf of his client in support of their objection and Mr McGowan in support of the applicants. During discussion additional documentation was submitted in relation to the Gambling Commission – Industry Statistics 2009 – 2012 and a layout plan of the premises which were circulated to Members.

After discussion, Councillor McEleny moved grant of the Adult Gaming Centre Premises Licence and grant of the amended Family Entertainment Centre Gaming Machine Permit. As an amendment, Councillor Campbell-Sturgess moved refusal of both applications. Following a vote, 2 Members voted for the amendment and 4 Members for the motion which was declared carried.

Mr Douglas confirmed the decision to grant both applications.

The Chair made a statement to those present that Members had heard moral, crime and addiction issues which could not be considered in terms of the Gambling Act. The Board are obliged to adhere to the legislation which binds them and therefore had no legal power to refuse gambling application. They wished it to be noted that they have great sympathy with objectors' concerns.

3.	Rileys Sports Bars Limited Suite 3 Shenley Pavilions Chalkdell Drive Shenley Wood Milton Keynes	Bingo Premises Licence	Rileys 11 Brougham Street Greenock	GRANTED
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Mr Chris Rees-Gay, Messrs Woods Whur and Maria Fisher, Bingo Development Officer, were present representing the applicant.

Mr Douglas advised the Board that no representations or objections had been received.

The Board heard Mr Rees-Gay in support of the application.

After discussion the Board agreed to grant the application.

INVERCLYDE LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

(3) REVIEW OF PREMISES LICENCE

<u>No</u>	<u>Name and Address of Licence Holder</u>	<u>Address of Premises</u>	<u>Review Requested By</u>	<u>Decision</u>
1.	Rosemount Taverns Ltd 5 Fitzroy Place GLASGOW	The Double A 9 Inverkip Street Greenock	Police Scotland	WRITTEN WARNING & ENDORSEMENT ON PERSONAL LICENCE

Mr Maciver, Brunton Miller was present representing Rosemount Taverns Ltd, Mr Alasdair Barr, designated premises manager was present representing himself together with proposed new manager of the premises.

Mr Douglas advised the Board that Strathclyde Police had requested review of the Premises Licence at The Double A, 9 Inverkip Street, Greenock and read the letter dated 10 April 2013 from the Chief Superintendent. The letter also requested the Board to consider which steps it deemed necessary or appropriate in relation to the Personal Licence Holder, Mr Alasdair Barr.

The Board heard Chief Inspector Kennedy in support of their review.

The Board heard Mr Maciver in support of the licence holder and Mr Barr on the running of the premises.

After discussion, Councillor Brennan moved a written warning be given to the landlord and an endorsement on Mr Barr's Personal Licence which was unanimously agreed.

The Chair addressed the meeting and requested that the licence holder note the list of offences narrated within the police letter relating to these premises. It was further stated that any future incidents or review brought back to the Board may result in the Board revoking the licence.

Mr Douglas confirmed the Board's decision as follows:-

- (i) grounds for review were met with regard to the Premises Licence;
- (ii) grounds for review were met with regard to the Personal Licence held by Mr Barr;
- (iii) a written warning be given to the licence holder; and
- (iv) endorsement of Mr Barr's Personal Licence.

INVERCLYDE LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

(4) APPLICATION FOR OCCASIONAL LICENCE

<u>No</u>	<u>Name and Address of Applicant</u>	<u>Date, Time, Place and Type of Event</u>	<u>Decision</u>
1.	Gillian Reith Three Sisters Bake Sommerville Weir Hall Faith Avenue Quarriers Village Bridge of Weir	Saturday 7 September 2013 6.00 p.m. – 12 Midnight Sommerville Weir Hall (Upstairs) 40 th Birthday Party	WITHDRAWN

Mr Harvey was present representing the applicant together with Ms Gillian Reith and Ms Linsey Reith, Directors. Mr Farrell, objector was not present or represented.

Mr Douglas advised the Board that a public objection dated 16 August 2013 had been submitted and read the terms of the objection to the Board.

Mr Harvey advised the Board that this application is to be withdrawn as the event has been cancelled.

The Board noted the applicant's decision.

2.	Gillian Reith Three Sisters Bake Sommerville Weir Hall Faith Avenue Quarriers Village Bridge of Weir	Friday 27 September 2013 3.30 p.m. – 12 Midnight Sommerville Weir Hall (Upstairs) Wedding Reception	GRANTED
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Mr Harvey was present representing the applicant together with Ms Gillian Reith and Ms Linsey Reith, Directors. Mr Farrell, objector was not present or represented.

Mr Douglas advised the Board that a public objection dated 16 August 2013 had been submitted and read the terms of the objection to the Board.

The Board heard Mr Harvey and Ms Gillian Reith in support of the application.

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