

INVERCLYDE LICENSING BOARD
THURSDAY 6 MARCH 2014 AT 10.00 A.M.

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

Chair: Councillor Ahlfeld presided.

In attendance: Mr James Douglas and Fiona Denver (for Clerk to the Board); Commander Speirs and Temporary Inspector Espie (Police Scotland)

Apologies: Councillor McEleny and John Cushnaghan, Licensing Standards Officer.

Declarations of Interest: Councillor Wilson declared an interest in the Review Hearing relating to the premises of Greenock St John's No 175 Social Club.

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

Decision as per attached list.

LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR PROVISIONAL PREMISES LICENCE

Decision as per attached list.

GAMBLING ACT 2005
APPLICATION FOR GRANT OF PREMISES LICENCE

Decision as per attached list.

LICENSING (SCOTLAND) ACT 2005
REVIEW OF PREMISES LICENCE: ANNUAL FEES 2013 – 2014

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

Decision as per attached list.

BEST BAR NONE SCHEME

The Board considered a report by the Team Leader, Safer & Inclusive Communities on the introduction of the Best Bar None Scheme in Inverclyde in partnership with Police Scotland and Scottish Fire and Rescue Service.

The Board heard Mr Mackenzie on the value of the Scheme and how it would be operated.

The Board agreed:-

- (i) to support the Best Bar None Scheme being introduced to Inverclyde area; and
- (ii) to receive updated progress reports on the Scheme as and when appropriate.

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.	Fig Promotions Ltd 12 Cross Shore Street Greenock	Red Nightclub 12 Cross Shore Street Greenock	Variation to terminal Core Hour on Friday and Saturday to 3.30 a.m. (Bar to Close 3.00 a.m.) Existing Monday – Wednesday Closed Thursday 7.00 p.m. – 2.00 a.m. Friday & Saturday 7.00 p.m. – 3.00 a.m. (Bar to Close 2.30 a.m.) Sunday 7.00 p.m. – 1.30 a.m.	GRANTED

The Board recalled this matter from a meeting of the Board on 6 February 2014.

Mr Hamil addressed the Board on the action he had taken to reduce the noise that emanates from the Club into neighbouring residential properties, and advised that a noise engineer had been employed to provide advice and undertake remedial works. Ms Fung, an objector to the application, advised that there had been a dramatic reduction in noise pollution and she wished to withdraw her objection to the application. Mr Mackenzie of the Council's Safer & Inclusive Communities Department advised the Board on his findings having visited the premises on two occasions and noting the improvement works undertaken.

The application was unanimously granted.

2. Cont'd

<u>No</u>	<u>Name and Address of Applicant</u>	<u>Address of Premises</u>	<u>Variation Details</u>	<u>Decision</u>
2.	Marston's Operating Ltd Marston's House Brewery Road Wolverhampton	Proposed Marston's Inn Land North of Ardgowan Street Port Glasgow	Variation to commencement Core Hour on Sunday to 11.00 a.m. ancillary to a sit down table meal. No vertical drinking is permitted until 12.15 p.m. on a Sunday. Existing Monday – Saturday 11.00 a.m. – 12 Midnight Sunday 12.15 p.m. – 12 Midnight	GRANTED
Mr Hyldon of Messrs John Gaunt & Partners was present and represented the applicant.				
Mr Douglas advised the Board on the background to the case and advised that the application was within Board Policy.				
Mr Hyldon addressed the Board in support of the application.				
Councillor Ahlfeld moved grant of the application which was unanimously agreed.				
3.	Whitbread Restaurants Ltd Whitbread Court Houghton Hall Business Park Porz Avenue Dunstable	The Point & Premier Inn 1 – 3 James Watt Way Greenock	(a) Variation to commencement Core Hours for both On Sales and Off Sales on Sunday to 11.00 a.m. On Sales ancillary to sit down table meal. No vertical drinking is permitted until 12.15 p.m. on Sunday. Existing On Sales Monday – Saturday 11.00 a.m. – 12 Midnight Sunday 12.15 p.m. – 12 Midnight Off Sales Monday – Saturday 11.00 a.m. – 10.00 p.m. Sunday 12.15 p.m. – 10.00 p.m.	GRANTED

<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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			(b) Addition of Charity Nights to activities held within premises.	GRANTED
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Existing

During the festive period, live and recorded music and dancing will be provided until 1.00 a.m. where an extension has been granted by Inverclyde Licensing Board.

Quiz Nights

Mr Hyldon of Messrs John Gaunt & Partners was present and represented the applicant.

Mr Douglas advised the Board on the background to the case and advised that the application was within Board Policy.

Mr Hyldon addressed the Board in support of the application.

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

4.	Marks and Spencer plc Waterside House 35 North Wharf Road London	Marks and Spencer 33 Hamilton Way Greenock	Variation to increase alcohol display area to 53.5 sq. m. Existing 48 sq. m.	GRANTED
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Ms Junner of Messrs Hill Brown Solicitors was present and represented the applicant.

Mr Douglas advised the Board on the background to the case.

Ms Junner addressed the Board in support of the application.

Councillor Ahlfeld moved grant of the application. On a vote, there were 5 votes in support of the application with one abstention.

INVERCLYDE LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

(2) APPLICATION FOR PROVISIONAL PREMISES LICENCE

<u>No</u>	<u>Name and Address of Applicant</u>	<u>Address of Premises</u>	<u>Decision</u>
1.	Aman Ahlawat Flat 2/1 95 Curle Street Glasgow	2A Market Place Kilmacolm (Restaurant & Take Away) Core Hours: On Sales Monday – Wednesday 11.00 a.m. – 12 Midnight Thursday 11.00 a.m. – 1.00 a.m. Friday & Saturday 11.00 a.m. – 1.30 a.m. Sunday 11.00 a.m. – 12 Midnight Core Hours: Off Sales Monday – Sunday 11.00 a.m. – 10.00 p.m.	GRANTED IN RESPECT OF ON SALES AS AMENDED REFUSED IN RESPECT OF OFF-SALES. YOUNG PERSONS ALLOWED ON THE PREMISES UNTIL THE TERMINAL HOUR PROVIDED THEY ARE HAVING OR ORDERING A MEAL.

Mr Maciver of Messrs Brunton Miller, Solicitors was in attendance and represented the applicant.

Mr Douglas advised that Mr Maciver had some preliminary issues on which he wished to address the Board.

Mr Maciver advised that it was clear from the public objections that the majority were concerned about the terminal hour of the premises, and accordingly he was instructed to advise that the terminal hour now being sought was midnight.

Mr Maciver addressed the Board and answered concerns regarding the off-sales application. Mr Maciver advised that the main focus of the application was the restaurant, but that the off-sales application would run ancillary to the restaurant.

Councillor Wilson moved that the application regarding the restaurant be granted and the off-sales application be refused. He also moved that the restaurant be allowed to have young persons present within the restaurant and take away area out with the times of the Board's Policy. This was unanimously agreed.

Councillor Loughran left the meeting following consideration of this item.

INVERCLYDE LICENSING BOARD

GAMBLING ACT 2005

(3) APPLICATION FOR PREMISES LICENCE

<u>No</u>	<u>Name and Address of Applicant</u>	<u>Type of Application</u>	<u>Address of Premises</u>	<u>Decision</u>
1.	William Hill Organization Limited Greenside House 50 Station Road Wood Green London	Betting Premises Licence	William Hill 22 Kilblain Street Greenock	CONTINUED

Mr Douglas advised the Board that there had been no objections received in respect of the application. Mr Douglas further advised that William Hill had been advised that their presence was dispensed with.

Councillor Wilson moved that due to over-riding concerns the Board had with the proliferation of betting shops in Inverclyde, the applicant should be asked to attend the Board to answer Councillors' questions. The motion was carried unanimously.

INVERCLYDE LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

(4) REVIEW OF PREMISES LICENCE: ANNUAL FEES 2013 – 2014

<u>No</u>	<u>Name and Address of Licence Holder</u>	<u>Address of Premises</u>	<u>Decision</u>
1.	D G Bar & Restaurants Limited The Square 134 Cathcart Street Greenock	The Square 134 Cathcart Street Greenock	NOT CALLED AS FEE PAID PRIOR TO HEARING
2.	George Brown c/o Reynolds 27 Robertson Street Greenock	Browns Café 18 Nicolson Street Greenock	NOT CALLED AS FEE PAID PRIOR TO HEARING
3.	Royal West of Scotland Amateur Boat Club The Esplanade Greenock	Royal West of Scotland Amateur Boat Club The Esplanade Greenock	NOT CALLED AS FEE PAID PRIOR TO HEARING
4.	Greenock Whinhill Golf Club Beith Road Greenock	Greenock Whinhill Golf Club Beith Road Greenock	NOT CALLED AS FEE PAID PRIOR TO HEARING
5.	Ahmed Trading (Glasgow) Limited Port & Harbour Hotel Customhouse Place Greenock	Wemyss Bay Hotel 23 Greenock Road Wemyss Bay	LICENCE SUSPENDED UNTIL ANNUAL FEE PAID

<u>No</u>	<u>Name and Address of Licence Holder</u>	<u>Address of Premises</u>	<u>Decision</u>
8.	1924 Recovery Ltd c/o Shoosmiths LLP 2 nd Floor North Saltire Court 20 Castle Terrace Edinburgh	High Spirits 24 – 26 Corlic Street Greenock	NOT CALLED AS FEE PAID PRIOR TO HEARING

INVERCLYDE LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

(5) 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 G3 7RH	The Green Oak Bar 8 Inverkip Street Greenock	HM Revenue & Customs	GROUND S FOR REVIEW MET – NO ACTION TAKEN
<p>Mr Douglas read the letter from HMRC seeking a Review.</p> <p>Mr Bruce addressed the Board on what was found during the HMRC inspection of the premises.</p> <p>Mr Maciver advised that the person previously responsible for the premises, and the person responsible for the purchase and sale of non-taxed alcohol was no longer operating the premises. The licence holder had terminated the lease.</p> <p>The Board unanimously found that the grounds for Review were met, but given that the Premises licence holder had taken strong action as soon as they had become aware of the situation, the Board were satisfied that no further action was necessary in the circumstances.</p> <p>Councillor Wilson moved that no action be taken, Councillor Shepherd moved an amendment that a written warning be given. On a vote; the Motion was carried by three votes to two, with one abstention.</p>				
2.	John McCloskey 4 Balmeig Avenue Giffnock	The Prince of Wales Bar 12 Bay Street Port Glasgow	Police Scotland	GROUND S FOR REVIEW MET – NO ACTION TAKEN

<u>No</u>	<u>Name and Address of Licence Holder</u>	<u>Address of Premises</u>	<u>Review Requested By</u>	<u>Decision</u>
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Mr Douglas read the letter seeking Review from Police Scotland.

Commander Speirs addressed the Board in support of the Review.

Mr McCloskey addressed the Board to advise that he was unaware that staff drinks after closing time were contrary to the Licensing Laws, and that it would not happen again in the future.

The Board unanimously found that the grounds for Review were met, but felt that no further action should be taken in the circumstances given that the Premises licence holder was now fully aware of the law relating to staff drinks after the terminal hour.

Provost Moran moved that no action be taken which was unanimously agreed.

3.	Greenock St John's No. 175 Social Club Masonic Temple 21 West Stewart Street Greenock	Greenock St John's No. 175 Social Club Masonic Temple 21 West Stewart Street Greenock	Police Scotland
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**GROUNDS
FOR REVIEW
MET – NO
ACTION
TAKEN**

Mr Douglas read the letter seeking Review from Police Scotland.

Commander Speirs addressed the Board in support of the Review.

Mr Tomlinson of Messrs Neill Clerk & Murray, Solicitors addressed the Board on behalf of the premises. He advised that this was a one-off situation and the rules relating to drinking after hours, even from a private stock of alcohol, had been explained to his clients.

The Board unanimously found that the grounds for Review were met, but felt that no further action should be taken in the circumstances given that the premises were now fully aware of the law relating to drinking within the premises after the terminal hour even if the alcohol was not sold.

Councillor Campbell-Sturges moved no action be taken which was unanimously agreed.

<u>No</u>	<u>Name and Address of Licence Holder</u>	<u>Address of Premises</u>	<u>Review Requested By</u>	<u>Decision</u>
4.	Kevin Coyle 10 Glen Kinglas Road Greenock	Lynedoch Bar 100 – 102 Lynedoch Street Greenock	Police Scotland	LICENCE SUSPENDED FOR 4 WEEKS

Mr Douglas advised that his intention would be to conjoin the Review Hearing pertaining to the Premises Licence and the Personal Licence of Kevin Coyle as the circumstances surrounding both Reviews were essentially the same. He asked Mr Tomlinson and Commander Speirs if they had any objection to this suggestion. Both advised they were happy to proceed on this basis.

Mr Tomlinson asked that both matters be continued to a future meeting as he had only been instructed that very morning. Commander Speirs opposed this motion on the grounds that the premises were being run in such a manner that the only reason the premises were not closed by way of a Closing Order was due to the fact that there was a Board today. He further advised that a Premises licence holder who had been given adequate notice of a Board should not be in a position to thwart a Review Hearing by simply failing to instruct representation until the morning of the Review Hearing.

Following advice from Mr Douglas, the Board agreed to adjourn to discuss the business the Board had heard thus far. This would provide Mr Tomlinson with over an hour to receive instructions. The Review Hearing would take place thereafter.

Upon recalling the matter, Mr Douglas read the letter seeking Review from Police Scotland.

Commander Speirs addressed the Board in support of the Review.

Mr Tomlinson, representing the Premises licence holder and the Personal licence holder addressed the Board.

The Board unanimously found that the grounds for Review were met in respect of both the Premises Licence and the Personal Licence. Councillor Ahlfeld moved that the Premises Licence be immediately suspended for a period of four weeks so that the staff might be adequately trained and all those working within the establishment are made fully aware of the position as to after-hours drinking, anti-social behaviour and the licensing objectives. This was unanimously agreed. The Board further advised that the premises should make contact with Police Scotland and Inverclyde Licensing Standards Officers for help and guidance as to the running of the premises. In respect of the Personal Licence Councillor Ahlfeld moved that this should be immediately revoked. This was unanimously agreed.

INVERCLYDE LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

(6) REVIEW OF PERSONAL LICENCE

<u>No</u>	<u>Name and Address of Licence Holder</u>	<u>Date Licence Granted</u>	<u>Decision</u>
1.	Kevin Daniel Coyle 10 Glen Kinglas Road Greenock	7 August 2013	PERSONAL LICENCE REVOKED

Mr Douglas advised that his intention would be to conjoin the Review Hearing pertaining to the Premises Licence and the Personal Licence of Kevin Coyle as the circumstances surrounding both Reviews were essentially the same. He asked Mr Tomlinson and Commander Speirs if they had any objection to this suggestion. Both advised they were happy to proceed on this basis.

Mr Tomlinson asked that both matters be continued to a future meeting as he had only been instructed that very morning. Commander Speirs opposed this Motion on the grounds that the premises were being run in such a manner that the only reason the premises were not closed by way of a Closing Order was due to the fact that there was a Board today. He further advised that a Premises licence holder who had been given adequate notice of a Board should not be in a position to thwart a Review Hearing by simply failing to instruct representation until the morning of the Review Hearing.

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Upon recalling the matter, Mr Douglas read the letter seeking Review from Police Scotland.

Commander Speirs addressed the Board in support of the Review.

Mr Tomlinson, representing the Premises licence holder and the Personal licence holder addressed the Board.

The Board unanimously found that the grounds for Review were met in respect of both the Premises Licence and the Personal Licence. Councillor Ahlfeld moved that the Premises Licence be immediately suspended for a period of four weeks so that the staff might be adequately trained and all those working within the establishment are made fully aware of the position as to after-hours drinking, anti-social behaviour and the licensing objectives. This was unanimously agreed. The Board further advised that the premises should make contact with Police Scotland and Inverclyde Licensing Standards Officers for help and guidance as to the running of the premises. In respect of the Personal Licence Councillor Ahlfeld moved that this should be immediately revoked. This was unanimously agreed.