

## **INVERCLYDE LICENSING BOARD**

**THURSDAY 1 DECEMBER 2016 AT 10.00 A.M.**

**Present:** Provost Moran, Councillors Ahlfeld, Brennan, Loughran, Shepherd and Wilson.

**Chair:** Councillor Ahlfeld presided.

**In attendance:** Mr James Douglas, David Keenan and Fiona Denver (for Clerk to the Board); Sergeant J MacDonald and R McLellan, Police Scotland; and A Hunter, Health and Social Care Partnership.

**Apologies:** There were no apologies intimated.

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

### **LICENSING (SCOTLAND) ACT 2005 EXTENDED HOURS APPLICATIONS**

Decision as per attached list.

### **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.

### **EQUALITIES ACT 2010: LICENSING BOARD – MAINTSTREAMING REPORT**

The Depute Clerk proposed to provide an update on the Equality Mainstreaming Report, however due to time constraints this item will be carried forward to the next meeting.

INVERCLYDE LICENSING BOARD  
LICENSING (SCOTLAND) ACT 2005

(1) APPLICATION FOR EXTENDED HOURS OF PREMISES LICENCE

<u>No</u>	<u>Address of Premises</u>	<u>Event Details</u>	<u>Decision</u>
1.	James Watt 80/92 Cathcart Street Greenock	Sunday 25 December 2016 11.00 a.m. – 12.15 p.m.  Request removal of the following Condition:- <i>Any alcohol sold for consumption on the premises between 11.00 a.m. and 12.15 p.m. on a Sunday must be ancillary to a sit down table meal. No vertical drinking is permitted until 12.15 p.m. on a Sunday.</i>	<b>WITHDRAWN</b>
2.	Tail 'O' the Bank East India Harbour Rue End Street Greenock	Saturday 31 December 2016 12 Midnight – 1.00 a.m. Family Hogmanay Celebration  Request children to attend the function up to 1.00 a.m. therefore removing the following Condition within the Board's Policy for Children and Young Persons in Licensed Premises:- <i>Children may be in licensed premises between the hours of 8 pm and 11 pm while attending a function.</i>	<b>GRANTED WITH CONDITION</b>

Mr Douglas advised that this application has been withdrawn.

Mr A Hunter, Messrs Harper MacLeod was present representing the applicant with Mr L Hoey, designated premises manager.

Mr Douglas advised that the times of the application fall within the Board's Festive Season Policy and it is the request for children being permitted at the event until 1.00 a.m. that is outwith the Board's Children and Young Persons in Licensed Premises Conditions. Mr Douglas intimated that Police Scotland have no objections to the application.

Mr Hunter addressed the Board and outlined how the event will be operated and the terms under which the children will be permitted entry. Mr Hunter produced a layout plan of the premises showing the areas children will be allowed access during the event. The plan was circulated to Members.

After discussion, Councillor Brennan moved grant of the application with the Condition that the ticket price of £10 per adult and £5 per child be redeemable on food items only. Members unanimously agreed the motion.

3. The Black Cat Sunday 25 December 2016 **GRANTED**  
7 Laird Street 11.00 a.m. – 12.30 p.m.  
Greenock On and Off Sales  
Customer Demand

Mr S Hodgkinson, tenant was present.

Mr Douglas advised that the application is outwith the Board's Policy for opening hours on a Sunday. He also intimated that Police Scotland have no objections to the application.

Mr Hodgkinson addressed the Board on the reasons for submitting the application and the times to which the premises proposed to operate on Christmas Day.

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

4. The Black Cat Sunday 1 January 2017 **GRANTED**  
7 Laird Street 11.00 a.m. – 12.30 p.m.  
Greenock On and Off Sales  
Customer Demand

Mr S Hodgkinson, tenant was present.

Mr Douglas advised that the application is outwith the Board's Policy for opening hours on a Sunday. He also intimated that Police Scotland have no objections to the application.

Mr Hodgkinson addressed the Board on the reasons for submitting the application and the times to which the premises proposed to operate on New Year's Day.

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

INVERCLYDE LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

(2) APPLICATION FOR VARIATION OF PREMISES LICENCE

<u>No</u>	<u>Name &amp; Address of Applicant</u>	<u>Address of Premises</u>	<u>Variation Details</u>	<u>Decision</u>
1.	Iceland Foods Ltd Second Avenue Deeside Industrial Park Deeside Flintshire	<b>Iceland Foods Ltd</b> 32 Westburn Street Greenock	(a) Amend Off Sales Core Licensing Hours to:-  Monday – Sunday 10.00 a.m. – 10.00 p.m.  <b>Existing</b> Monday - Saturday 10.00 a.m. - 6.30 p.m. (8.00 p.m. Festive Season)  Sunday 10.00 a.m. - 6.00 p.m. (8.00 p.m. Festive Season)  (b) Add the following to any other activities held:-  <i>'The licence holder shall operate a Home Delivery Service and Ecommerce Service for the delivery of groceries including alcohol, this shall be subject to compliance with Section 120 of the Licensing (Scotland) Act 2005.'</i>  <b>Existing</b> The premises are open outwith core hours for the sale of groceries including fresh and frozen foods. The sale of alcohol by retail for consumption off the premises is ancillary to the sale of groceries.	<b>CONTINUED TO NEXT MEETING OF THE BOARD</b>

The applicant was not present or represented.

The Board unanimously agreed to continue consideration of the application to the next Board to allow for a representative of Iceland Foods Ltd to be in attendance and/or represented.

INVERCLYDE LICENSING BOARD  
LICENSING (SCOTLAND) ACT 2005

(3) APPLICATION FOR PROVISIONAL PREMISES LICENCE

<u>No</u>	<u>Name &amp; Address of Applicant</u>	<u>Address of Premises</u>	<u>Type of Premises and Core Licensing Hours</u>	<u>Decision</u>
1.	Amazon UK Services Limited 60 Holborn Viaduct London	<b>Amazon</b> Unit 1 Faulds Park Road Gourock	Distribution Centre to include delivery of alcohol products. No public access to premises.  <u>Off Sales</u>  Monday – Sunday 10.00 a.m. – 10.00 p.m.  <u>Any Other Activities</u>  <i>“The premises will be open generally to distribute goods over 24 hours but the licence holder will comply with Section 120 of the Licensing (Scotland) Act 2005. There are no other licensable activities at the premises and the public will never have access to the premises for the selection or collection of goods”</i>  <u>Capacity of Premises</u>  There is no public display.	<b>GRANTED</b>

Mr D Crank, Messrs DWF was present representing the applicant together with Mr R Woods, Manager, Amazon. Ms A Hunter representative of Health and Social Care Partnership and Mr Ellis, public objector were present.

Mr Douglas advised that comments had been submitted by Police Scotland; a representation by the Health and Social Care Partnership; and a public objection by Mr Ellis. Mr Douglas read the contents of their submissions dated 19 October, 31 October and 14 November 2016 respectively, copies of which were circulated to Members. He also advised that the relevant Planning Section 50 Certificate is in place.

Sergeant MacDonald, Ms Hunter and Mr J Ellis addressed the Board on the terms of their submissions.

The Board heard Mr Crank in support of the applicant and Mr Woods on clarification of points raised with regard to the delivery process for the purposes of protecting children from harm.

There followed a full discussion between Members and all parties, after which, Councillor Ahlfeld moved grant of the application which was unanimously agreed.

Councillor Ahlfeld on making his motion, stated that the Licensing (Scotland) Act 2005 does not really address the concerns of the Board in connection with online sales and delivery of age limited products. He requested that the Depute Clerk write to the Scottish Government on the Board's behalf with their concerns on this matter. Members unanimously agreed the request ]].