

INVERCLYDE LICENSING BOARD

THURSDAY 11 OCTOBER 2018 AT 10.00 A.M.

Present: Councillors Ahlfeld, Crowther, Murphy, and Wilson.

Chair: Councillor Ahlfeld presided.

In attendance: Mr James Douglas and Fiona Denver (for Clerk to the Board); Inspector J MacDonald and Sergeant J Hay (Police Scotland); Annemarie Black and Crawford Brown, Licensing Standard Officers.

Apologies: Councillors McEleny, Moran and Robertson.

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

LICENSING (SCOTLAND) ACT 2005 REVIEW OF PREMISES LICENCE

Decision as per attached list.

LICENSING (SCOTLAND) ACT 2005 FESTIVE SEASON POLICY 2018 – 2019

The Board considered a report by the Depute Clerk to determine the 2018 - 2019 Festive Season Policy with regard to extended hours of Premises Licences and Occasional Licence applications.

Mr Douglas advised the Board that the report is in similar terms as previous years and Police Scotland intimated that they have no objections to a similar Policy being adopted for this year.

Councillor Murphy requested Members to consider extending the commencement date of the Policy to Saturday 1 December 2018. Inspector MacDonald intimated that Police Scotland would have no evidence to show why this could not be possible and accordingly had no objection to the proposal.

Councillor Murphy moved that the dates of the Festive Season Policy be Saturday 1 December 2018 to Wednesday 2 January 2019 inclusive which was unanimously agreed.

The Chair intimated that Councillor McEleny requested consideration that the Curfew be suspended for the term of the Festive Season Policy. The Chair advised that preferably this matter should be considered by all Members of the Board and as this was not possible today, the Curfew remains the same as previous years for this years' Festive Policy. The motion was unanimously agreed.

After discussion, Councillor Ahlfeld moved grant of all other proposals within the report which was unanimously agreed.

Mr Douglas confirmed the Board's decision for the Festive Season Policy 2018 – 2019 as follows:-

- (a) 'blanket' extensions be adopted in terms of Section 67 of the Act;
- (b) to cover the period Saturday 1 December 2018 to Wednesday 2 January 2019;

- (c) the terminal hour of licensed premises as follows:

Premises Licences (except Nightclubs)

Sunday – Wednesday 1.00 a.m.
Thursday – Saturday 2.00 a.m.

Premises Licences (Nightclubs)

Sunday – Wednesday 2.00 a.m.
Thursday – Saturday 3.30 a.m.
(Bar to close 3.00 a.m.)

- (d) the terminal hour for Monday 24 December, Tuesday 25 December, Wednesday 26 December, Monday 31 December 2018, and Tuesday 1 January 2019 have the same terminal hours as a Thursday - Saturday;
- (e) the event being held must relate to the festive season e.g. Christmas Party Night, Hogmanay;
- (f) the curfew be relaxed to 1.00 a.m. on the evening of 31 December 2018 in to 1 January 2019;
- (g) licence holders to notify Police Scotland Licensing Department, at their earliest convenience and no later than 29 November 2018 of those dates within the Festive Season Policy they intend to utilise;
- (h) an occasional licence application made for events being held within a Community Hall be granted in terms of the Festive Season Policy for events solely related to festive activities.

**LICENSING (SCOTLAND) ACT 2005
REVIEW / CONSULTATION OF LICENSING BOARD POLICY**

AND

**GAMBLING ACT 2005
REVIEW / CONSULTATION OF GAMBLING STATEMENT OF PRINCIPLES**

The Board agreed that these items be considered together.

Mr Douglas advised that it is proposed the Board adopt the existing Policies unless there is good reason during consultation to consider any amendments.

He advised that Police Scotland has submitted their response which will be considered at a future meeting.

With regard to the Gambling Policy, Mr Douglas advised that a pre-consultation with various groups and organisations is currently taking place with the closing date for any comments being 12 October 2018. These responses will be e-mailed to the Board prior to a future meeting.

It is anticipated that a meeting will be held in early November to consider the Policies and make any amendments. Mr Douglas intimated that the draft Policies will then go out to wider consultation with the final Policies being adopted in December / January.

The Board noted the position and unanimously agreed the proposals.

INVERCLYDE LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

(1) REVIEW OF PREMISES LICENCE

<u>No</u>	<u>Name and Address of Licence Holder</u>	<u>Address of Premises</u>	<u>Decision</u>
1.	Ms Karamjit Kaur Purewal 1 Lomond Road Bearsden Glasgow	V G Stores 109/111 Oronsay Avenue Port Glasgow	GROUND S FOR REVIEW MET - LICENCE SUSPENDED UNTIL ALL PREMISES LICENCE DETAILS AND PAPERWORK IS UPDATED

Mr Purewal was present representing the licence holder.

Prior to consideration of this item, the Chair advised that the Review Hearing referred to two points – a fit and proper person test and breaches of licence conditions. The Chair advised that there are concerns in relation to the criminal content of the Review and that the Board would only consider, at this time, the matters in relation to the breaches of licence conditions. He confirmed that Police Scotland can bring back to the Board the fit and proper person test once judicial matters have been finalised. Mr Purewal and Inspector MacDonald confirmed their agreement to the procedural process.

Mr Douglas read the contents of the Police Scotland Review letter omitting the necessary points as agreed. He further read the Licensing Standard Officer's report.

The Board unanimously found that the grounds for Review were met.

Inspector MacDonald confirmed the detailed content of Police Scotland letter and Crawford Brown confirmed the details of the Licensing Standard Officer's report.

Mr Purewal addressed the Board and suggested that these matters will be discussed further on in the process. Mr Douglas explained to Mr

Purewal the Review procedures and Mr Purewal agreed to continue his deliberations to the Board. Mr Purewal spoke on the circumstances surrounding the breach of conditions and advised that some of these matters have been rectified. He clarified that other changes are proposed and a variation application will be submitted.

Following discussion, the Chair intimated his disappointment that the licence holder was not in attendance. He informed Mr Purewal of the Board's concerns in connection with required documentation not being updated and the layout of the premises being altered.

Councillor Ahlfeld moved that the premises licence be suspended until such times as the appropriate variation application is submitted and granted to the satisfaction of relevant Officers and that all the necessary paperwork including operating plan, premises licence, layout plan are all updated and in accordance with the legislation. The motion was unanimously agreed.