

INVERCLYDE LICENSING BOARD
THURSDAY 7 MARCH 2019 AT 10.00 A.M.

Present: Councillors Ahlfeld, Crowther, McEleny, Robertson 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); Anne Marie Black and Crawford Brown (Licensing Standard Officers).

Apologies: There were no apologies intimated.

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

Prior to the commencement of the meeting, the Chair advised the Board that he proposed to hear items 1 and 2 then the Members recess for deliberations and return providing the Board's determinations on these items then hear item 3. Members unanimously agreed the proposal.

LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR EXTENDED HOURS OF PREMISES LICENCE

Decision as per attached list.

LICENSING (SCOTLAND) ACT 2005
REVIEW OF PREMISES LICENCE – ANNUAL FEE 2018 – 2019

Decision as per attached list.

LICENSING (SCOTLAND) ACT 2005
REVIEW OF PREMISES LICENCE

Decision as per attached list.

INVERCLYDE LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005

(1) APPLICATION FOR EXTENDED HOURS OF PREMISES LICENCE

<u>No.</u>	<u>Applicant / Licence Holder</u>	<u>Premises</u>	<u>Event Details</u>	<u>Decision</u>
1.	Lapwine Limited	Word Up 210 Dalrymple Street Greenock	Evening of Sunday 21 April to Monday 22 April 2019 2.00 a.m. – 3.30 a.m. (Bar to close 3.00 a.m.) Easter Sunday/Bank Holiday Monday	GRANTED 2am – 3am (Bar to close 2.30am)

Mr Stephen McGowan, Messrs TLT was present representing the applicant. Mr J White, Director was in attendance.

Mr Douglas advised that the application is outwith the Board's Policy and outwith delegated authority. He advised that previous applications for the same event had been granted from 2010 to 2017 under delegated authority for 2.00 a.m. – 3.00 a.m. (Bar to close 2.30 a.m.). Mr Douglas advised that Police Scotland have submitted an objection to the application and read the contents of the Chief Constable's letter dated 8 February 2019.

Inspector MacDonald addressed the Board in terms of the Police Scotland objection and Mr McGowan addressed the Board in support of the applicant.

Following discussion Councillor Wilson moved grant of the application. As an amendment Councillor Robertson moved that the hours be granted in line with what has been granted in previous years. On a vote 4 Members voted for the amendment which was declared carried.

Mr Douglas confirmed the application is granted for the hours 2.00 a.m. – 3.00 a.m. (bar to close 2.30 a.m.).

2.	Lapwine Limited	Word Up 210 Dalrymple Street Greenock	Evening of Sunday 5 May to Monday 6 May 2019 2.00 a.m. – 3.30 a.m. (Bar to close 3.00 a.m.) Early May Bank Holiday Monday	GRANTED 2am – 3am (Bar to close 2.30am)
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Mr Stephen McGowan, Messrs TLT was present representing the applicant. Mr J White, Director was in attendance.

Mr Douglas advised that the application is outwith the Board's Policy and outwith delegated authority. He advised that previous applications for the

same event had been granted from 2010 to 2016 under delegated authority for 2.00 a.m. – 3.00 a.m. (Bar to close 2.30 a.m.). Mr Douglas advised that Police Scotland have submitted an objection to the application and read the contents of the Chief Constable's letter dated 8 February 2019.

Inspector MacDonald addressed the Board in terms of the Police Scotland objection and Mr McGowan addressed the Board in support of the applicant.

Following discussion Councillor Wilson moved grant of the application. As an amendment Councillor Robertson moved that the hours be granted in line with what has been granted in previous years. On a vote 4 Members voted for the amendment which was declared carried.

Mr Douglas confirmed the application is granted for the hours 2.00 a.m. – 3.00 a.m. (Bar to close 2.30 a.m.).

3.	Lapwine Limited	Word Up 210 Dalrymple Street Greenock	Evening of Sunday 26 May to Monday 27 May 2019 2.00 a.m. – 3.30 a.m. (Bar to close 3.00 a.m.) Spring Bank Holiday	GRANTED 2am – 3am (Bar to close 2.30am)
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Mr Stephen McGowan, Messrs TLT was present representing the applicant. Mr J White, Director was in attendance.

Mr Douglas advised that the application is outwith the Board's Policy and outwith delegated authority. He advised that previous applications for the same event had been granted in 2010, 2011 and 2013 - 2016 under delegated authority for 2.00 a.m. – 3.00 a.m. (Bar to close 2.30 a.m.). Mr Douglas advised that Police Scotland have submitted an objection to the application and read the contents of the Chief Constable's letter dated 8 February 2019.

Inspector MacDonald addressed the Board in terms of the Police Scotland objection and Mr McGowan addressed the Board in support of the applicant.

Following discussion Councillor Wilson moved grant of the application. As an amendment Councillor Robertson moved that the hours be granted in line with what has been granted in previous years. On a vote 4 Members voted for the amendment which was declared carried.

Mr Douglas confirmed the application is granted for the hours 2.00 a.m. – 3.00 a.m. (Bar to close 2.30 a.m.).

4.	Lapwine Limited	Word Up 210 Dalrymple Street Greenock	Evening of Tuesday 31 December 2019 to Wednesday 1 January 2020 1.00 a.m. – 4.30 a.m. (Bar to close 4.00 a.m.) Hogmanay 2019 / New Year's Day 2020	REFUSED
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Mr Stephen McGowan, Messrs TLT was present representing the applicant. Mr J White, Director was in attendance.

Mr Douglas advised that the application is outwith the Board's Policy and outwith delegated authority. He intimated that although the Board have not agreed to this years' Festive Season Policy, the application is also outwith the hours permitted under previous years' Festive Season Policy. Mr Douglas advised that Police Scotland have submitted an objection to the application and read the contents of the Chief Constable's letter dated 8 February 2019.

Inspector MacDonald addressed the Board in terms of the Police Scotland objection and Mr McGowan addressed the Board in support of the applicant. Mr McGowan spoke of the night time culture, and how this has changed over the years. He advised that there was a difference between genuine nightclub premises and late opening bars. He provided information on other authorities which had recognised this difference and made favourable increases in trading hours within their area. Mr McGowan also advised on the operation of the event, if the Board were minded to grant the application, and what resources would be implemented to ensure public safety within the premises and when patrons were dispersing from the premises.

Following discussion Councillor Ahlfeld moved refusal of the application. On a vote 1 Member abstained and 4 Members voted for the motion which was declared carried.

The Chair expressed to Mr McGowan that this year's Festive Policy will not be considered until later in the year, but the comments he has made today will be taken into account by the Board at that time.

INVERCLYDE LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

(2) REVIEW OF PREMISES LICENCE: ANNUAL FEE 2018 - 2019

<u>No</u>	<u>Licence Holder</u>	<u>Premises</u>	<u>Decision</u>
1.	George Brown	Browns Cafe 18 Nicolson Street Greenock	NOT CALLED
Mr Douglas advised that the annual fee has been paid and this item will not call.			
2.	Shona Bench	Ashton Stores 124 Albert Road Gourock	NOT CALLED
Mr Douglas advised that the annual fee has been paid and this item will not call.			
3.	Kirsteen Murray	The Albert Hotel 59 Cove Road Gourock	NOT CALLED
Mr Douglas advised that the annual fee has been paid and this item will not call.			
4.	Sukhdev Boparai	Gate of India 1 Mansion Avenue Port Glasgow	LICENCE SUSPENDED FOR 7 DAYS / REVOKE
The licence holder was not present or represented.			
Mr Douglas advised that the premises licence annual fee for 2018 – 2019 remains outstanding.			

Councillor Ahlfeld moved that the Premises Licence be suspended for a period of 7 days and the suspension lifted if payment was received within that time and where no payment is received, the licence will be revoked. Members unanimously agreed the motion.

The Chair instructed that letters to the licence holder advising of the Board's decision to be hand delivered by the Licensing Standards Officer.

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| 5. | LOL 19 th District Social Club | LOL 19th District Social Club
99 Boglestone Avenue
Port Glasgow | NOT CALLED |
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Mr Douglas advised that the annual fee has been paid and this item will not call.

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| 6. | The Royale Social Club | The Royale Social Club
Royal Street
Gourock | LICENCE
SUSPENDED FOR
7 DAYS / REVOKE |
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The licence holder was not present or represented.

Mr Douglas advised that the premises licence annual fee for 2018 – 2019 remains outstanding.

Councillor Ahlfeld moved that the Premises Licence be suspended for a period of 7 days and the suspension lifted if payment was received within that time and where no payment is received, the licence will be revoked. Members unanimously agreed the motion.

The Chair instructed that letters to the licence holder advising of the Board's decision to be hand delivered by the Licensing Standards Officer.

INVERCLYDE LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

(3) REVIEW OF PREMISES LICENCE

<u>No</u>	<u>Licence Holder</u>	<u>Premises</u>	<u>Decision</u>
1.	I Ellis Enterprises Limited	Cheers 12/14 West Stewart Street Greenock	(I) WARNING LETTER (II) ADDITIONAL CONDITIONS (III) AWARE OF STATUTORY OBLIGATIONS

Mr Hunter, Messrs Harper MacLeod was present representing the licence holder. Mr Ellis was in attendance.

Mr Douglas advised that Police Scotland requested a review hearing of the above Premises Licence which was initially considered at the Licensing Board Meeting on 6 December 2018 at which the Board agreed to continue consideration at the request of the licence holder's agent in order discuss mediation plans with Police Scotland and collate statements as required.

Mr Douglas read the contents of all the information received from Police Scotland including an up to date report on the mediation / intervention proposals. Mr Douglas read letters from Police Scotland on (i) the initial review request dated 26 October 2018; (ii) adjustment letter dated 14 November 2018; (iii) supplementary letter dated 6 February 2019; and (iv) Licensing Standard Officers report dated 21 November 2018.

Inspector MacDonald addressed the Board advising the disappointment in not being able to work with Mr Ellis successfully and the concerns of the operation of the premises. She spoke of incidents requiring staff to access the CCTV system and the obstacles encountered by Police Officers when attending the premises.

Mr Hunter addressed the Board and provided information on the background of the arranged meetings with Police Scotland. He spoke on each incident within the Police Scotland letters and explained the working of the CCTV system.

Following all submissions and summing up of both parties, Member's recessed to discuss and deliberate on all the documentation and information provided.

On return to the meeting, Councillor Ahlfeld confirmed that the ground for review was met in terms of section 36(3)(b) and not met in terms of section 36(3)(ZA).

Councillor Wilson moved that a 2 week suspension of the premises licence was appropriate. As an amendment, Councillor Ahlfeld moved (i) that a warning letter be issued; (ii) to vary the premises licence with an additional condition that all Personal Licence Holders working within the establishment have the ability to operate the CCTV system and to provide the Police with immediate access to the system on request or alternatively a third party operate and control the CCTV system remotely; and (iii) that Mr Ellis be aware of his statutory obligations as a licence holder and that he understand that he requires to have knowledge of the licensing objectives. On a vote, 4 Members voted for the amendment which was declared carried.

On addressing the meeting in reaching their decision, the Chair re-iterated the Board's concerns and disappointment in Mr Ellis's attitude towards Police Officers in this case however, commended the actions, aptitude and behaviour of the designated premises manager. The Chair announced that Police Officers, Licensing Standards Officers, the Board and licence holders should work in partnership together and that today's review has highlighted the importance of this working relationship.