

INVERCLYDE LICENSING BOARD
THURSDAY 6 JUNE 2019 AT 10.00 A.M.

Present: Councillors Ahlfeld, Crowther, Jackson, McEleny, Murphy, Robertson and Wilson.

Chair: Councillor Ahlfeld presided.

In attendance: Mr James Douglas, Anne Sinclair and Fiona Denver (for Clerk to the Board); Sergeant Singh and Mr R McLellan (Police Scotland); Anne Marie Black and Crawford Brown (Licensing Standard Officers).

Apologies: Councillor Moran.

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.

LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR PREMISES LICENCE

Decision as per attached list.

LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR PROVISIONAL PREMISES LICENCE

Decision as per attached list.

LICENSING (SCOTLAND) ACT 2005
FINANCE AND FUNCTIONS REPORT

Mr Douglas advised that the Finance and Functions report is to be published by the end of June 2019. The Board unanimously agreed to delegate to the Clerk to publicise both the finance report and the functions report in terms of the legislation.

INVERCLYDE LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

(1) APPLICATION FOR VARIATION OF PREMISES LICENCE

<u>No</u>	<u>Licence Holder</u>	<u>Premises</u>	<u>Variation Details</u>	<u>Decision</u>
1.	Iceland Foods Limited	Iceland Foods Limited 32 Westburn Street Greenock	<p>(a) Add recorded music to activities to be provided <u>during</u> and <u>outwith</u> core licensing hours. (Tick Box – Yes)</p> <p>Existing - Tick Box - No</p> <p>(b) Insert additional information contained in further details to activities held as follows:-</p> <p>Sale of groceries, including fresh and frozen foods and other non-food items to be provided both within and outwith the core licensing hours. But not before 7am or after 11pm. Activities outwith core hours may occur as ancillary.</p> <p>Existing - None</p> <p>(c) Replace information contained within any other activities as follows:-</p> <p>The sale of alcohol by retail for consumption off the premises is ancillary to the sale of groceries and other non-food items. The above shall include deliveries made using Iceland Foods Limited home delivery and ecommerce services, subject to compliance with sections 119 and 120 of the Licensing (Scotland) Act 2005.</p> <p>The premises will also, on occasion, be used to launch new products, have product sampling and food tasting events and host friends and family membership evenings.</p>	<p>GRANTED</p> <p>GRANTED</p> <p>GRANTED</p>

Cont'd

<u>No</u>	<u>Licence Holder</u>	<u>Premises</u>	<u>Variation Details</u>	<u>Decision</u>
		Iceland Foods Limited 32 Westburn Street Greenock	<p>Existing The premises are open outwith core hours for the sale of groceries including fresh and frozen foods.</p> <p>The sale of alcohol by retail for consumption off the premises is ancillary to the sale of groceries.</p> <p>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.</p>	

Mr McGowan, Messrs TLT was present representing the licence holder.

Mr Douglas advised that Police Scotland have submitted a representation to the application and read the contents of the Chief Constable's representation to the Board, copies of which were circulated to Members.

Sergeant Singh advised there was nothing further to add to the Chief Constable's comments.

Mr McGowan addressed the Board providing information on the operation of home deliveries and website orders.

There followed a discussion between all parties on the types of photographic identification to be provided when delivering alcohol to customers.

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

2.	Iceland Foods Limited	Iceland Foods Limited 42/44 Church Street Port Glasgow	<p>(a) Increase off sales core licensing hours to:-</p> <p>Monday – Sunday 10.00 a.m. – 10.00 p.m.</p> <p>Existing Monday – Friday 10.00 a.m. – 7.00 p.m. Saturday 10.00 a.m. – 6.00 p.m. Sunday 10.00 a.m. – 5.00 p.m. (Monday – Sunday 10.00 a.m. - 8.00 p.m. Festive Season)</p>	GRANTED
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<u>No</u>	<u>Licence Holder</u>	<u>Premises</u>	<u>Variation Details</u>	<u>Decision</u>
		Iceland Foods Limited 42/44 Church Street Port Glasgow	<p>(b) Remove information contained in Seasonal Variations.</p> <p>Existing During the festive period in any year, the premises may be open until 8.00 p.m.</p> <p>(c) Add recorded music to activities to be provided <u>during</u> and <u>outwith</u> core licensing hours. (Tick Box – Yes)</p> <p>Existing – Tick Box - No</p> <p>(d) Insert additional information contained in further details to activities held as follows:-</p> <p>Sale of groceries, including fresh and frozen foods and other non-food items to be provided both within and outwith the core licensing hours. But not before 7am or after 11pm. Activities outwith core hours may occur as ancillary.</p> <p>Existing – None</p> <p>(e) Replace information contained within any other activities as follows:-</p> <p>The sale of alcohol by retail for consumption off the premises is ancillary to the sale of groceries and other non-food items. The above shall include deliveries made using Iceland Foods Limited home delivery and ecommerce services, subject to compliance with sections 119 and 120 of the Licensing (Scotland) Act 2005.</p> <p>The Premises will also, on occasion, be used to launch new products, have product sampling and food tasting events and host friends and family membership evenings.</p>	<p>GRANTED</p> <p>GRANTED</p> <p>GRANTED</p> <p>GRANTED</p>

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<u>No</u>	<u>Licence Holder</u>	<u>Premises</u>	<u>Variation Details</u>	<u>Decision</u>
		Iceland Foods Limited 42/44 Church Street Port Glasgow	Existing 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.	

Mr McGowan, Messrs TLT was present representing the licence holder.

Mr Douglas advised that Police Scotland have submitted a representation to the application and read the contents of the Chief Constable's representation to the Board, copies of which were circulated to Members.

Sergeant Singh advised there was nothing further to add to the Chief Constable's comments.

Mr McGowan addressed the Board providing information on the operation of home deliveries and website orders.

There followed a discussion between all parties on the types of photographic identification to be provided when delivering alcohol to customers.

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

3.	Lapwine Limited	Fenwick 47 47 West Blackhall Street Greenock	(a) Increase on sales core licensing hours to:- 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 Existing Monday – Thursday 11.00 a.m. – 10.30 p.m. Friday & Saturday 11.00 a.m. – 12 Midnight Sunday 12.30 p.m. – 10.30 p.m.	GRANTED
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<u>No</u>	<u>Licence Holder</u>	<u>Premises</u>	<u>Variation Details</u>	<u>Decision</u>
		Fenwick 47 47 West Blackhall Street Greenock	<p>(b) Amend seasonal variations to:-</p> <p>During the festive period, and any other times throughout the year as defined by Inverclyde Licensing Board, the premises will operate additional hours for the sale of alcohol within Inverclyde Licensing Board's Policy in that regard.</p> <p>Existing</p> <p>(i) The premises are closed on Christmas Day and New Year's Day in any year.</p> <p>(ii) Extensions over the festive period will be operated in accordance with Inverclyde Licensing Board Policy.</p> <p>(iii) Any local or national holidays defined by Inverclyde Licensing Board.</p> <p>(c) Amend activities to be held as follows:-</p> <p>(i) Add live performances to be provided <u>during</u> and <u>outwith</u> core licensing hours.</p> <p>(ii) Add outdoor drinking to be provided <u>during</u> core licensing hours.</p> <p>(iii) Add restaurant facilities; bar meals; receptions including weddings, funerals, birthdays, retirements etc.; and club meetings to be provided <u>outwith</u> core licensing hours.</p> <p>((i) – (iii) – Tick Box – Yes)</p> <p>Existing – (i) – (iii) – Tick Box – No</p>	<p>GRANTED</p> <p>GRANTED AS AMENDED</p>

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<u>No</u>	<u>Licence Holder</u>	<u>Premises</u>	<u>Variation Details</u>	<u>Decision</u>
		Fenwick 47 47 West Blackhall Street Greenock	<p>(d) Insert additional information contained in further details to activities held as follows:-</p> <p>The premises may open prior to core licensed hours for the provision of breakfasts, tea, coffee, etc.</p> <p>The premises may also be used for various activities as noted above prior to the commencement of core licensed hours. During this time the activities above may be provided but no alcohol will be sold outwith the core licensed hours.</p> <p>Existing Recorded music may be played outwith core hours.</p> <p>(e) Amend conditions that children and young persons are permitted within the premises as follows:-</p> <p><u>Terms</u> Children and young persons permitted access when accompanied by an adult for the purpose of consuming a meal or attending a function.</p> <p><u>Times</u> At all times.</p> <p><u>Parts of the premises permitted</u> All public areas.</p> <p>Existing <u>Terms</u> (i) Children and Young Persons are not permitted near bar area.</p> <p>(ii) As per Inverclyde Licensing Board's Children and Young Persons in Licensed Premises Conditions.</p>	GRANTED
				GRANTED AS AMENDED

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<u>No</u>	<u>Licence Holder</u>	<u>Premises</u>	<u>Variation Details</u>	<u>Decision</u>
		Fenwick 47 47 West Blackhall Street Greenock	<u>Times</u> As per Inverclyde Licensing Board's Children and Young Persons in Licensed Premises Conditions. <u>Parts of the premises permitted</u> Main Dining area.	
			(f) Amendment to layout plan to include addition of external area.	GRANTED

Mr McGowan, Messrs TLT was present representing the licence holder. Mr White, Director of Lapwine Ltd was in attendance.

Mr Douglas advised that Police Scotland have submitted a representation to the application and Health and Social Care Partnership have submitted an objection to the application. Mr Douglas read the contents of the representation and objection to the Board, copies of which were circulated to Members.

Sergeant Singh advised there was nothing further to add to the Chief Superintendent's comments.

Mr McGowan addressed the Board and went through the points raised by Police Scotland in relation to the outdoor drinking area, he intimated that the licensed area being clearly defined; licensed area is supervised at all times; no alcohol to be taken from the licensed area; no vertical drinking; and challenge 25 policy are all a matter of course and the outdoor area is a seated area. Mr McGowan requested that the use of plastic containers only being utilised in the outdoor area is disproportionate to the type of premises and requested this be removed. In connection with the request for 2100hrs being the terminal hour for the outdoor drinking area, Mr McGowan agreed that this is acceptable. He spoke on the objection from Health and Social Care Partnership and amended the times children and young persons are permitted to within the Board's Policy. During discussion, Mr McGowan also amended the application to provide live performances during core licensing hours only.

There followed a number of questions by Members on the operation of the premises and in particular the outdoor area which is at the entrance to the premises. Mr McGowan gave his client's assurance that the necessary permissions and permits will be in place to utilise the area concerned.

Sergeant Singh confirmed that he was satisfied with the amendments intimated.

Members considered the application as amended and agreed (i) that the use of plastics in the outdoor area is not conducive to the premises and to be removed; (ii) that there was no requirement for the additional conditions to be placed on the licence as these are standard procedures; and (iii) the terminal hour of 2100hrs in relation to the outdoor area will be incorporated in the Operating Plan of the premises. Councillor Robertson then moved grant of the application as amended which was unanimously agreed.

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<u>No</u>	<u>Licence Holder</u>	<u>Premises</u>	<u>Variation Details</u>	<u>Decision</u>
4.	Howarths Way Limited	Hole in the Wa' Bar 1 Argyle Street Greenock	Increase on sales terminal core licensing hour on a Sunday to 1.00 a.m. Existing Monday – Thursday 11.00 a.m. – 12 Midnight Friday & Saturday 11.00 a.m. – 1.00 a.m. Sunday 12.30 p.m. – 12 Midnight	REFUSED

Ms Grierson, designated premises manager was present representing the licence holder.

Mr Douglas advised that the application is outwith the Board's Policy. He also advised that Police Scotland have submitted an objection to the application and one public objection has been received. Mr Douglas read the contents of both objections to the Board, copies of which were circulated to Members.

Sergeant Singh advised there was nothing further to add to the Chief Constable's comments.

Ms Grierson addressed the Board in terms of the application. She spoke to the concerns raised by the objector and of other premises within the vicinity.

Following discussion Councillor McEleny moved refusal of the application which was unanimously agreed.

Ms Grierson requested a direction in terms of section 32 of the Licensing (Scotland) Act 2005. Members unanimously agreed that a direction be given to the licence holder.

The Chair advised Ms Grierson that Members had taken her comments seriously and will request the Licensing Standards Officers to monitor the area.

INVERCLYDE LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

(2) APPLICATION FOR PREMISES LICENCE

<u>No</u>	<u>Applicant</u>	<u>Premises</u>	<u>Proposed Licence Details</u>	<u>Decision</u>
1.	April Bernadette Gray	The Carnock Bar 2 Carnock Street Greenock	<p>Description of Premises Public house situated on the ground floor of a large tenement building with three floors of residential property above.</p> <p>Core Licensing Hours – On Sales Monday – Thursday 11.00 a.m. – 12 Midnight Friday & Saturday 11.00 a.m. – 12.45 a.m. Sunday 12.30 p.m. – 11.00 p.m.</p> <p>Core Licensing Hours – Off Sales Monday – Saturday 11.00 a.m. – 10.00 p.m. Sunday 12.30 p.m. – 10.00 p.m.</p> <p>Activities Bar meals; receptions including weddings, funerals, birthdays, retirements etc.; recorded music; live performances; indoor/outdoor sports; and televised sport to be provided <u>during</u> core licensing hours.</p> <p>Other Activities Occasional post wedding receptions for a very limited number of persons; recorded music by CD player or jukebox only in evenings at weekends; karaoke Saturday night; musicians providing entertainment (2 maximum); televised sport; darts; and pool table.</p>	GRANTED

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<u>No</u>	<u>Applicant</u>	<u>Premises</u>	<u>Proposed Licence Details</u>	<u>Decision</u>
		The Carnock Bar 2 Carnock Street Greenock	Children and Young Persons No children or young persons are permitted entry. Capacity of Premises 60 persons Designated Premises Manager April Bernadette Gray	

Ms Gray was present.

Mr Douglas advised that no objections or representations had been received, the necessary Section 50 Certificates are in place and the application is within the Board's Policy.

Ms Gray had nothing further to add in terms of the application.

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

INVERCLYDE LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

(3) APPLICATION FOR PROVISIONAL PREMISES LICENCE

<u>No</u>	<u>Applicant</u>	<u>Premises</u>	<u>Proposed Licence Details</u>	<u>Decision</u>
1.	Amina Ahmed	Spar Unit 3 1 Auchmead Road Greenock	Description of Premises General convenience store situated in row of commercial premises near a junction of Auchmead Road and Inverkip Road, Greenock. Core Licensing Hours – Off Sales Monday – Sunday 10.00 a.m. – 10.00 p.m. Other Activities The premises open at 7.00 a.m. for the sale of non-alcoholic products. Capacity of Premises 26.69 sq. m. alcohol display area.	GRANTED

Mr McGowan, Messrs TLT was present representing the applicant.

Mr Douglas advised that no objections or representations had been received, the necessary Section 50 Certificate is in place and the application is within the Board's Policy.

Councillor Murphy commented that she was surprised no objection had been submitted by Health and Social Care Partnership as they had with a previous application. The Chair noted her comments and informed that he would re-iterate these to the upcoming Drug and Alcohol Partnership meeting.

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

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<u>No</u>	<u>Applicant</u>	<u>Premises</u>	<u>Proposed Licence Details</u>	<u>Decision</u>
2.	Ardgowan Distillery Company Limited	Ardgowan Distillery Company Limited Ardgowan Estate Inverkip	<p>Description of Premises A distillery and tourist attraction featuring a full working distillery and brewery, visitor centre and tourist facilities, along with chalet style accommodation and letting rooms, also including a restaurant, cook-school, bar and events and retail space.</p> <p>Core Licensing 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 12.15 p.m. – 12 Midnight</p> <p>Core Licensing Hours – Off Sales Monday – Sunday 10.00 a.m. – 10.00 p.m.</p> <p>Seasonal Variations Any seasonal or festive extension that the Board may grant.</p> <p>Activities (i) To be provided <u>during</u> and <u>outwith</u> core licensing hours:- Accommodation; conference facilities; restaurant facilities; bar meals; receptions including weddings, funerals, birthdays, retirements etc.; club meetings; recorded music; live performances; dance facilities; theatre; films; indoor/outdoor sports; televised sport and outdoor drinking facilities. (Tick Box – Yes)</p> <p>(ii) To be provided <u>during</u> core licensing hours:- Gaming</p>	GRANTED

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<u>No</u>	<u>Applicant</u>	<u>Premises</u>	<u>Proposed Licence Details</u>	<u>Decision</u>
		Ardgowan Distillery Company Limited Ardgowan Estate Inverkip	<p>(iii) Additional information contained in further details to activities held as follows:-</p> <ul style="list-style-type: none"> • Conference facilities may be used from 8.00 a.m. • Restaurant Facilities / Bar Meals / Teas, coffees and breakfasts may be served from 8.00 a.m., including to the beer garden area. • Club / Group Meetings may commence from 8.00 a.m. • Recorded music will be played as background music throughout the day. • Outdoor sporting or recreational pursuits may take place within the general grounds of the facility and these or related activities may commence or occur outwith core licensed hours but no alcohol will be sold or supplied outside of those licensed hours. • Accommodation available 24/7. <p>(iv) Any other activities to be provided as follows:-</p> <p>Brewery and Distillery Tours; tastings; community events; weddings; educational tours and events; samplings; history of the Distillery and alcohol production; charity events; possible use for filming and promotional materials; visitors centre; cookery school; a range of outdoor activities which include shooting; biking; walking; and archery.</p> <p>Children and Young Persons Children and young persons are permitted within the premises as follows:-</p>	

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<u>No</u>	<u>Applicant</u>	<u>Premises</u>	<u>Proposed Licence Details</u>	<u>Decision</u>
		Ardgowan Distillery Company Limited Ardgowan Estate Inverkip	<u>Terms</u> Children and young persons who are resident will be allowed access to accommodation at all times and will be allowed entry to any leisure facilities at management discretion. Children and young persons will be allowed access to the areas where alcohol is sold or consumed whilst supervised. <u>Ages</u> 0 – 17 years <u>Times</u> Children and young persons who are resident may have access at all times. Children and young persons who are attending to participate in a leisure or tourism activity to parts of the facility where those activities are taking place, from 8.00 a.m. – 10.00 p.m. Non-resident Children may access parts of the premises where alcohol is sold or consumed until 8.00 p.m. unless attending a private function or having a meal with an adult where they can remain until 11.00 p.m. Non-resident Young Persons may access parts of the premises where alcohol is sold or consumed until 11.00 p.m. unless attending a private function or having a meal with an adult, where they can remain until 1.00 a.m. <u>Parts of the premises permitted</u> All public parts of the premises.	

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<u>No</u>	<u>Applicant</u>	<u>Premises</u>	<u>Proposed Licence Details</u>	<u>Decision</u>
		Ardgowan Distillery Company Limited	Capacity of Premises	
		Ardgowan Estate	Distillery 721.50 sq. m.	
		Inverkip	Visitor Centre 1,033.40 sq. m.	
			Total 1,754.90 sq. m.	

Mr McGowan, Messrs TLT was present representing the applicant.

Mr Douglas advised that no objections or representations had been received, the necessary Section 50 Certificate is in place and the application is within the Board's Policy.

Mr McGowan addressed the Board on the terms of the application and the proposed operation. He provided Members with a booklet outlining the development and the types of activities proposed. Mr McGowan explained that this is a large project and will be expanded over time and the application for consideration today takes in the full requirements of these proposals.

Following Members questions, Councillor Ahlfeld moved grant of the application which was unanimously agreed.

The Chair commended that it was an exceptional application and fantastic proposal. He welcomed this new venture and what it could bring to the Inverclyde area, tourists and visitors and wished the applicant every success.