

INVERCLYDE LICENSING BOARD

THURSDAY 2 SEPTEMBER 2021 AT 10.00 A.M.

Present: Councillors Ahlfeld, Crowther, Curley, McEleny, Moran and Murphy.

Chair: Councillor Ahlfeld presided.

In attendance: Ms Anne Sinclair (Clerk to the Board), Fiona Denver, Jonathan Hamilton and Emma Peacock (for Clerk to the Board); Chief Inspector Rebecca Gregson and Sergeant Ian Robertson (Police Scotland); and Crawford Brown (Licensing Standards Officer).

Apologies: Councillor Wilson and Roisin Dillon (Environmental & Public Protection)

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

The meeting was conducted in Hybrid format with Councillors Ahlfeld and McEleny attending the Council Chambers, Councillors Crowther, Curley, Moran and Murphy attending remotely.

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

Decision as per attached list.

LICENSING (SCOTLAND) ACT 2005 APPLICATION FOR GRANT OF 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 APPLICATION FOR PERSONAL LICENCE

Decision as per attached list.

LICENSING (SCOTLAND) ACT 2005 APPLICATION FOR EXTENDED HOURS

Decision as per attached list.

INVERCLYDE LICENSING BOARD – 2 SEPTEMBER 2021

LICENSING (SCOTLAND) ACT 2005

(1) APPLICATION FOR VARIATION OF PREMISES LICENCE

<u>No</u>	<u>Applicant</u>	<u>Premises</u>	<u>Variation Details</u>	<u>Decision</u>
1.	Lidl Great Britain Limited	Lidl Newark Street Port Glasgow	Amend layout plan of premises resulting in increase of alcohol display area as follows:- Non-Seasonal Trading – 64.37 sq. m. Seasonal Trading – Additional capacity of 12.02 sq. m. (1 December – 2 January each year) Maximum Total – 76.39 sq. m. Existing: Non-Seasonal Trading - 47.61 sq. m. Seasonal Trading – Additional capacity of 12.02 sq. m. (1 December – 2 January each year) Maximum Total - 59.63 sq. m.	GRANTED

Mr Hunter, Messrs Harper MacLeod was present representing the applicant. Ms Broomfield, Lidl Licensing Manager was in attendance.

Ms Sinclair advised the Board that no objections or representations had been received.

Mr Hunter addressed the Board explaining that the premises had undergone a recent refurbishment and provided information on the proposals applied for.

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

<u>No</u>	<u>Applicant</u>	<u>Premises</u>	<u>Variation Details</u>	<u>Decision</u>
2.	Britannia Social Club	Britannia Social Club 15 Terrace Road Greenock	Add televised sport, indoor/outdoor sport and gaming to activities to be held on premises both during and outwith core licensing hours. (Tick Box – Yes) Existing Tick Box - No	GRANTED

Ms B Crawford, Club Secretary was present.

Ms Sinclair advised the Board that no objections or representations had been received.

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

3.	Sainsbury's SL Limited	Sainsbury's Store Unit 1 Kip Park Main Street Inverkip	(a) Amend the name of the premises to Sainsbury's Local Existing: Sainsbury's Store	GRANTED
			(b) Amend description of premises to:- Sainsbury's Local is a convenience store at Kip Park on Main Street, just off the A78 as you approach Inverkip southbound, offering a wide range of products and services including groceries, alcohol, newsagent, general retail and food to go. The store may also be a platform for innovations including parcel and click and collect services and provide a channel to access products from the brands within the Sainsbury's group. Existing: Purpose built single storey supermarket premises within Inverkip retail park.	GRANTED

<u>No</u>	<u>Applicant</u>	<u>Premises</u>	<u>Variation Details</u>	<u>Decision</u>
		<p>Sainsbury's Store Unit 1 Kip Park Main Street Inverkip</p>	<p>(c) Add/amend activities to be held on premises as follows:-</p> <p>(i) <u>Additional Activities</u> Add recorded music and live performances to activities to be held on premises both during and outwith core licensing hours. (Tick Box – Yes)</p> <p>(ii) <u>Amend description of Further Details of Activities</u> Recorded background and live performances (see below) may occur outwith core hours as ancillary to general retail sale of groceries and other non-food items. General retail sales will also occur outwith the core licensed hours, but not normally before 7.00 a.m. or after 11.00 p.m.</p> <p>(iii) <u>Amend description of Any Other Activities</u> The sale of alcohol, groceries and other non-food items which occurs from the premises includes fulfilment of remote orders by home delivery and/or “click and collect”, subject to compliance with sections 119 & 120 of the Licensing (Scotland) Act 2005, as amended, or such law that may be in force from time to time. The reference to live performances above is purely to capture very occasional fundraising events where there may be a performance element such as carol singers during the festive season. Parts of the premises may be operated by third party concessions e.g. dry-cleaner/shoe repair facilities. The premises may also, on occasion, be used to launch new products, have product sampling/tasting events and host community and charity events in conjunction with third party partners.</p>	GRANTED
			<p>Existing: <u>Additional Activities</u> Recorded music and live performances – tick box – No</p>	

<u>No</u>	<u>Applicant</u>	<u>Premises</u>	<u>Variation Details</u>	<u>Decision</u>
		Sainsbury's Store Unit 1 Kip Park Main Street Inverkip	<u>Description of Further Details of Activities</u> None <u>Description of Any Other Activities</u> The premises have an instore bakery and will be open outwith core hours for the sale of a mixed range of products.	
<p>Mr N Hassard, Messrs TLT was present representing the application. Ms J Surguy, representative of Sainsbury's SL Limited was in attendance.</p> <p>Prior to consideration, the Clerk advised that this item and the following item were identical applications and asked Members and Mr Hassard if they would be willing to conjoin the items for consideration. All parties agreed to this request.</p> <p>Ms Sinclair advised that Police Scotland had submitted a letter of representation dated 26 July 2021 to the application at Inverkip, however no Police Scotland representation had been received for the Gourrock store application. Ms Sinclair advised that the representation referred to additional conditions being placed on the licence, if granted.</p> <p>Sergeant Robertson confirmed that the letter of representation should be considered for both applications.</p> <p>Ms Sinclair read the contents of the Police representation, copies of which were previously circulated to Members.</p> <p>Mr Hassard addressed the Board providing information on the operation of the premises and the activities requested. Mr Hassard spoke on each of the conditions requested by Police Scotland and invited the Board to consider that the conditions are not necessary to form part of the Premises Licence.</p> <p>Following discussion, Councillor Ahlfeld moved grant of the application with no additional conditions, which was unanimously agreed.</p>				
4.	Sainsbury's SL Limited	Sainsbury's Store 32 – 36 Kempock Street Gourrock	(a) Amend the name of the premises to Sainsbury's Local Existing: Sainsbury's Store	GRANTED

No Applicant

Premises

Variation Details

Decision

Sainsbury's Store
32 – 36 Kempock Street
Gourock

(b) Amend description of premises to:-

GRANTED

Sainsbury's Local is a convenience store facing the post office on Kempock Street, offering a wide range of products and services including groceries, alcohol, newsagent, general retail and food to go. The store may also be a platform for innovations including parcel and click and collect services and provide a channel to access products from the brands within the Sainsbury's group.

Existing:

Sainsbury local store with off sale facility located on the north side of Kempock Street, Gourock. Sales area on ground floor of the premises for the sale of a mixed range of products to suit local needs. The store features an in-store bakery and may also feature an ATM machine. Off Sales is provided in a small area including a chill cabinet and secure storage at ground level or below.

(c) Add/amend activities to be held on premises as follows:-

GRANTED

(i) Additional Activities

Add recorded music and live performances to activities to be held on premises both during and outwith core licensing hours. (Tick Box – Yes)

(ii) Amend description of Further Details of Activities

Recorded background and live performances (see below) may occur outwith core hours as ancillary to general retail sale of groceries and other non-food items. General retail sales will also occur outwith the core licensed hours, but not normally before 7.00 a.m. or after 11.00 p.m.

No Applicant

Premises

Variation Details

Decision

Sainsbury's Store
32 – 36 Kempock Street
Gourock

- (iii) Amend description of Any Other Activities
The sale of alcohol, groceries and other non-food items which occurs from the premises includes fulfilment of remote orders by home delivery and/or “click and collect”, subject to compliance with sections 119 & 120 of the Licensing (Scotland) Act 2005, as amended, or such law that may be in force from time to time.
The reference to live performances above is purely to capture very occasional fundraising events where there may be a performance element such as carol singers during the festive season.
Parts of the premises may be operated by third party concessions e.g. dry-cleaner/shoe repair facilities.
The premises may also, on occasion, be used to launch new products, have product sampling/tasting events and host community and charity events in conjunction with third party partners.

Existing:

Additional Activities

Recorded music and live performances – tick box – No

Description of Further Details of Activities

None

Description of Any Other Activities

Superrmarket adopting the convenience store format selling a mixed range of products with ancillary services tailored to meet customer demand. The store features an in-store bakery. An ATM machine may also be provided for access by the public. The store may undertake other such activities as would traditionally be associated with a supermarket operation.

The premises may open from 6.00 a.m. - 11.00 p.m. Monday - Sunday but hours may fluctuate depending upon demand.

<u>No</u>	<u>Applicant</u>	<u>Premises</u>	<u>Variation Details</u>	<u>Decision</u>
			<p>Mr N Hassard, Messrs TLT was present representing the application. Ms J Surguy, representative of Sainsbury's SL Limited was in attendance.</p> <p>Prior to consideration, the Clerk advised that this item and the above item were identical applications and asked Members and Mr Hassard if they would be willing to conjoin the items for consideration. All parties agreed to this request.</p> <p>Ms Sinclair advised that Police Scotland had submitted a letter of representation dated 26 July 2021 to the application at Inverkip, however no Police Scotland representation had been received for the Gourrock store application. Ms Sinclair advised that the representation referred to additional conditions being placed on the licence, if granted.</p> <p>Sergeant Robertson confirmed that the letter of representation should be considered for both applications.</p> <p>Ms Sinclair read the contents of the Police representation, copies of which were previously circulated to Members.</p> <p>Mr Hassard addressed the Board providing information on the operation of the premises and the activities requested. Mr Hassard spoke on each of the conditions requested by Police Scotland and invited the Board to consider that the conditions are not necessary to form part of the Premises Licence.</p> <p>Following discussion, Councillor Ahlfeld moved grant of the application with no additional conditions, which was unanimously agreed.</p>	

INVERCLYDE LICENSING BOARD – 2 SEPTEMBER 2021

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.	The Start-Up Drinks Lab	The Start-Up Drinks Lab Unit D4 Kelburn Business Park Port Glasgow	Description of Premises An industrial premises in Kelburn Business Park, Port Glasgow. Premises are secured with roller doors, locked fire doors, shutters, alarms and CCTV (external). Complex is gated and locked during non-business hours. Premises is used for the manufacturing and bottling of drinks – facility contains bottling hall, storage area and industrial yard. Core Licensing Hours – On Sales N/A Core Licensing Hours – Off Sales Monday – Sunday 10.00 a.m. – 10.00 p.m. Seasonal Variations Greater demand during gifting seasons (Christmas, Easter, events etc.) however sales and delivery offers will remain the same throughout the year. Activities All activities listed on application form – Tick Box – No <u>Any other Activities</u> Mainly online sales and despatch from warehouse. Off sale and delivery of new gin product and possibly other alcohol products. These products will be sold through a dedicated e-commerce site with relevant age verifications. All deliveries will either be made via our staff vans by hand, or via our delivery partner DHL.	GRANTED

<u>No</u>	<u>Applicant</u>	<u>Premises</u>	<u>Proposed Licence Details</u>	<u>Decision</u>
		<p>The Start-Up Drinks Lab Unit D4 Kelburn Business Park Port Glasgow</p>	<p>A Procedural plan is in place for the delivery of sales to clients, including a detailed refusal book and electronic records of all deliveries attempted, completed and dates.</p> <p>Children and Young Persons N/A</p> <p>Capacity of Premises On rare occasions walk-in customers may enter the facility and purchase an alcohol product. These sales are only for the consumption off-premises. 2 sq.m. alcohol display area.</p> <p>Designated Premises Manager Craig Strachan Personal Licence No. IC1025 Date of Issue – 17 February 2021</p>	

Mr C Strachan, Director was present.

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

Mr Strachan addressed the Board providing information on the company processes and answered Member's questions. Mr Strachan provided Information Brochures on behalf of the company, copies of which had previously been circulated to Members.

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

INVERCLYDE LICENSING BOARD – 2SEPTEMBER 2021

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.	Motor Fuel Limited	Imperial Service Station Regent Street Greenock	Description of Premises The premises are located on Regent Street, Greenock. The premises trade on a 24 hour basis as a general convenience store adjacent to petrol/derv filling station forecourt. The site has car parking separate from the fuel pumps. The petrol/derv filling station forecourt area is not part of the area to be licensed. The premises offer substantial general convenience separate from, and supplementary to, the offer of petrol/derv. The applicant considers that persons within the locality of the premises are reliant on the premises to a significant extent on the premises as a principal source of petrol or derv or groceries and thereby satisfy the criteria of section 123(5) of the Licensing (Scotland) Act and as such are not excluded premises. Core Licensing Hours – On Sales N/A Core Licensing Hours – Off Sales Monday – Sunday 10.00 a.m. – 10.00 p.m. Seasonal Variations None	GRANTED

No Applicant

Premises

Proposed Licence Details

Decision

Imperial Service Station

Regent Street
Greenock

Activities

Recorded music to be provided both during and outwith core licensed hours. (Tick Box – Yes).

Activities – Further Details

The premises may play background music in the retail areas of the store. The premises are open on a 24 hours basis. The retail shop is accessible between 05:00 hours and 23:00 hours each day and therefore music may be played outwith core licensing hours. The premises can use a night pay window during the hours of 23:00 hours and 05:00 hours if required.

Any other Activities

The premises comprise of general convenience store with off sale facility adjacent to petrol/derv filling station forecourt.

Children and Young Persons

N/A

Capacity of Premises

9.23 sq. m. alcohol display area

Designated Premises Manager

To be confirmed.

Mr Hunter, Messrs Harper MacLeod was present representing the applicant. Mr G Donohue, representative of Motor Fuel Limited was in attendance.

Ms Sinclair advised that the necessary Section 50 Certificate is in place. Ms Sinclair confirmed that no representations or objections had been received. She also advised that the premises are considered as exempt premises in terms of the Licensing (Scotland) Act 2005, section 123(5).

No Applicant

Premises

Proposed Licence Details

Decision

Mr Hunter addressed the Board and provided information on the background of the premises and the current refurbishment that is taking place. Mr Hunter provided documentation pertaining to an independent survey that had been carried out, showing analysis of location, customers' preferences and breakdown of figures to satisfy the test that the exemption in section 123(5) was met. Copies of the survey had previously been circulated to Members. Mr Hunter explained that this survey demonstrates the requirements of section 123(5) of the Act in that the premises are suitable to be licensed premises.

There followed full discussion question and answers between Members and Mr Hunter.

Following private discussion of Members upon returning to the public session, Councillor Moran moved grant of the application which was unanimously agreed.

Ms Sinclair confirmed that Members agreed the premises met the criteria for exemption in terms of the Act.

INVERCLYDE LICENSING BOARD – 2 SEPTEMBER 2021

LICENSING (SCOTLAND) ACT 2005

(4) APPLICATION FOR PERSONAL LICENCE

<u>No</u>	<u>Applicant</u>	<u>Decision</u>
1.	Samuel McDonald	CONTINUED

Ms Sinclair advised that Mr McDonald had confirmed that he is unable to attend the meeting today, and had requested his application be considered at a future meeting of the Board.

Members noted and agreed the request.

Sergeant Robertson left the meeting following this item and Chief Inspector Gregson joined the meeting.

INVERCLYDE LICENSING BOARD – 2 SEPTEMBER 2021

LICENSING (SCOTLAND) ACT 2005

(5) APPLICATION FOR EXTENDED HOURS OF PREMISES LICENCE

<u>No.</u>	<u>Applicant</u>	<u>Premises</u>	<u>Event Details</u>	<u>Decision</u>
1.	Lapwine Limited	Industry (to be re-named Text) 208 Dalrymple Street Greenock	<p>Friday 17 September to Thursday 14 October 2021</p> <p><u>When functions being held</u></p> <p>Monday – Thursday 11.00 am. – 1.00 a.m. Friday & Saturday 11.00 a.m. – 2.00 a.m. Sunday 12.15 p.m. – 1.00 a.m.</p> <p><u>When no function being held</u></p> <p>Monday & Tuesday 8.00 p.m. – 1.00 a.m. Wednesday & Thursday 8.00 p.m. – 2.00 a.m. Friday & Saturday 7.00 p.m. – 3.30 a.m. (Bar to close 3.00 a.m.) Sunday 7.00 p.m. – 1.30 a.m.</p> <p>To allow later terminal hour – returning to nightclub operation – prior to major variation application being considered.</p> <p>Existing</p> <p>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>	REFUSED

<u>No.</u>	<u>Applicant</u>	<u>Premises</u>	<u>Event Details</u>	<u>Decision</u>
			<p>Mr N Hassard was present representing the applicant. Mr A Gillespie, Designated Premises Manager of Word Up premises was also in attendance.</p> <p>Prior to consideration, the Clerk requested that this item and the following item be conjoined for consideration as the details, apart from the dates, of the applications are the same. Members and Mr Hassard agreed to this request.</p> <p>Ms Sinclair advised that Police Scotland submitted a letter of objection dated 19 August 2021 in relation to both applications and read the contents of the objection to the Board, a copy of which had previously been circulated to Members.</p> <p>Chief Superintendent Gregson confirmed there was nothing further to add to the terms of their objection.</p> <p>The Chair asked the Licensing Standards Officer if he had any comments to make in relation to the application. Mr Brown confirmed he had no additional comments.</p> <p>Mr Hassard addressed the Board explaining the reasons for the request and spoke on the comments by Police Scotland. Mr Hassard advised that it is proposed the Text portion of the premises within Word Up would relocate to the Industry premises. He provided information on the type of DJ events to be held on the premises.</p> <p>There followed questions and answers between Members, Mr Hassard and Mr Gillespie. Mr Hassard confirmed that in light of the Chief Superintendent's comments, his client would be willing to submit a minor variation application in order to decrease the current day time hours to alleviate any concerns the Board may have on longer hours being operated.</p> <p>Following private discussion of Members upon returning to the public session, Councillor McEleny moved grant of the application and thereafter, as an amendment Councillor Curley moved refusal of the application. On a roll call vote, one Councillor (McEleny) voted for the motion and five Councillors (Curley, Ahlfeld, Crowther, Moran and Murphy) voted for the amendment which was declared carried.</p> <p>Ms Sinclair confirmed the application was refused as it is outwith the Board's Policy hours for public house premises.</p>	
2.	Lapwine Limited	Industry (to be re-named Text) 208 Dalrymple Street Greenock	Friday 15 October to Thursday 11 November 2021 <u>When functions being held</u> Monday – Thursday 11.00 am. – 1.00 a.m. Friday & Saturday 11.00 a.m. – 2.00 a.m. Sunday 12.15 p.m. – 1.00 a.m.	REFUSED

<u>No.</u>	<u>Applicant</u>	<u>Premises</u>	<u>Event Details</u>	<u>Decision</u>
		Industry (to be re-named Text) 208 Dalrymple Street Greenock	<u>When no function being held</u> Monday & Tuesday 8.00 p.m. – 1.00 a.m. Wednesday & Thursday 8.00 p.m. – 2.00 a.m. Friday & Saturday 7.00 p.m. – 3.30 a.m. (Bar to close 3.00 a.m.) Sunday 7.00 p.m. – 1.30 a.m. To allow later terminal hour – returning to nightclub operation – prior to major variation application being considered. Existing 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	

Mr N Hassard was present representing the applicant. Mr A Gillespie, Designated Premises Manager of Word Up premises was also in attendance.

Prior to consideration, the Clerk requested that this item and the previous item be conjoined for consideration as the details, apart from the dates, of the applications are the same. Members and Mr Hassard agreed to this request.

Ms Sinclair advised that Police Scotland had submitted a letter of objection dated 19 August 2021 in relation to both applications and read the contents of the objection to the Board, a copy of which had previously been circulated to Members.

Chief Superintendent Gregson confirmed there was nothing further to add to the terms of their objection.

The Chair asked the Licensing Standards Officer if he had any comments to make in relation to the application. Mr Brown confirmed no additional comments.

Mr Hassard addressed the Board explaining the reasons for the request and spoke on the comments by Police Scotland. Mr Hassard advised that it is proposed the Text portion of the premises within Word Up would relocate to the Industry premises. He provided information on the type of DJ events to be held on the premises.

