

**INVERCLYDE LICENSING BOARD**  
**THURSDAY 3 JUNE 2021 AT 10.00 A.M.**

The meeting was held remotely by Cisco Webex due to the Public Health Coronavirus restrictions.

**Present:** Councillors Ahlfeld, Crowther, Curley, McEleny, Moran and Wilson.

**Chair:** Councillor Ahlfeld presided.

**In attendance:** Ms Anne Sinclair, Siobhan MacMaster and Fiona Denver (for Clerk to the Board); Inspector D Christie (Police Scotland); Crawford Brown (Licensing Standards Officer); Sharon Lindsay and Michael Lapsley (Environmental & Public Protection).

**Apologies:** Councillor Jackson and Roisin Dillon (Environmental & Public Protection).

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

**LICENSING (SCOTLAND) ACT 2005**  
**APPLICATION FOR PROVISIONAL PREMISES LICENCE**

Decision as per attached list.

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

Decision as per attached list.

INVERCLYDE LICENSING BOARD – 3 JUNE 2021

LICENSING (SCOTLAND) ACT 2005

(1) APPLICATION FOR PROVISIONAL PREMISES LICENCE

<u>No</u>	<u>Applicant</u>	<u>Premises</u>	<u>Proposed Licence Details</u>	<u>Decision</u>
1.	BSB99 Ltd	<b>43 Cathcart Street</b> Greenock	<b>Description of Premises</b> Café / Hot Food Takeaway  <b>Core Licensing Hours – On Sales</b> Monday – Sunday 11.00 a.m. – 11.00 p.m.  <b>Core Licensing Hours – Off Sales</b> Monday – Sunday 11.00 a.m. – 10.00 p.m.  <b>Seasonal Variations</b> Festive Season extensions and other occasional extensions as authorised by Board Policy from time to time.  <b>Activities</b> <u>To be held during and outwith core licensing hours</u> Restaurant facilities, Receptions including weddings, funerals, birthdays, retirements etc., Club or other group meetings, Recorded music, and Televised sport. (Tick Box – Yes)  <u>Further Details</u> Food and non-alcoholic drinks may be available outwith licensed hours. Recorded music may be played outwith licensed hours. Restaurant facilities, receptions and club/group meetings may take place outwith licensed hours during opening hours. Televised sport may take place outwith licensed hours.	<b>GRANTED WITHIN BOARD'S POLICY</b>

No Applicant

Premises

**43 Cathcart Street**  
Greenock

Proposed Licence Details

Other Activities  
Takeaways and deliveries

Decision

**Children and Young Persons**

Terms

Children and young persons will be permitted entry for the purposes having a meal or light refreshment or for ordering or collecting takeaways.

Children aged 0-13 years require to be supervised by a person aged 18 or over.

Ages

0 – 17 years

Times

They will be allowed entry until 11.00 p.m.

Parts

They will be allowed entry to all public areas.

**Capacity of Premises**

On Sales – 18 persons

Off Sales – 1.08 sq. m.

**Designated Premises Manager**

To be advised

Mr Lawson, Solicitor and Ms Fox, Trainee Solicitor, Messrs Hill Brown Licensing were present representing the applicant. The applicant was not in attendance. Mr Wilson, objector was present.

Ms Sinclair advised that the necessary Planning Section 50 Certificate is in place. She advised that three public objections had been received and read the contents of the objections to the Board. A copy of the objections had been circulated to Members.

Mr Lawson addressed the Board and provided details of the proposed operation of the premises and confirmed that Children and Young Persons will be permitted as per the Board's Policy. Mr Lawson spoke on the comments of each objection.

Mr Wilson, objector addressed the Board on his objection and made comments on parking facilities within the area and anti-social behaviour.

Inspector Christie advised the Board that Police Scotland have no objection to the application and provided information in regard to the comments raised by Mr Wilson.

Following discussion, Councillor McEleny moved grant of the application within the Board's Policy which was unanimously agreed.

INVERCLYDE LICENSING BOARD – 3 JUNE 2021

LICENSING (SCOTLAND) ACT 2005

(2) 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	<b>Lidl</b> 1 Customhouse Way Greenock	(a) Amend layout plan of premises resulting in increase of alcohol display area as follows:-  Non-Seasonal Trading – 59.65 sq. m.  Seasonal Trading – Additional capacity of 9.54 sq. m. (1 December – 2 January each year)  Maximum Total – 69.19 sq. m.  <b>Existing:</b> 50.09 sq. m.	<b>GRANTED</b>
			(b) Amend Seasonal Variations to:  Increase alcohol display area during the festive period from 1 December to 2 January each year.  <b>Existing:</b> None	<b>GRANTED</b>

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.	Pennine Leisure Limited	<b>The Kellybank Inn</b> Kellybank Holiday Park Wemyss Bay	<p>(a) Increase On Sales core licensing hours on Friday, Saturday and Sunday as follows:-</p> <table border="0"> <tr> <td>Friday &amp; Saturday</td> <td>11.00 a.m. – 1.00 a.m.</td> </tr> <tr> <td>Sunday</td> <td>12.15 p.m. – 12 Midnight</td> </tr> </table> <p><b>Existing</b></p> <table border="0"> <tr> <td>Monday – Friday</td> <td>11.00 a.m. – 12 Midnight</td> </tr> <tr> <td>Saturday</td> <td>11.00 a.m. – 11.45 p.m.</td> </tr> <tr> <td>Sunday</td> <td>12.30 p.m. – 11.00 p.m.</td> </tr> </table>	Friday & Saturday	11.00 a.m. – 1.00 a.m.	Sunday	12.15 p.m. – 12 Midnight	Monday – Friday	11.00 a.m. – 12 Midnight	Saturday	11.00 a.m. – 11.45 p.m.	Sunday	12.30 p.m. – 11.00 p.m.	<b>GRANTED</b>
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			<p>(b) Delete all Seasonal Variations.</p> <p><b>Existing</b></p> <p>The Premises are open from 1 March - 6 January each year.</p> <p>The Premises are closed on 25 December each year.</p> <p>Extensions over the festive period will be operated in accordance with Inverclyde Licensing Board Policy.</p>	<b>GRANTED</b>										
			<p>(c) <u>Activities</u></p> <p>(i) Add Restaurant facilities and Bar meals to activities to be held during core licensing hours. (Tick Box – Yes)</p> <p><b>Existing:</b> Tick Box – No</p> <p>(ii) Add Pool games to other activities.</p> <p><b>Existing:</b> None</p>	<b>GRANTED</b>										
			<p>(d) Amend details of Children and Young Persons being permitted to the premises as follows:-</p> <p><u>Terms</u></p> <p>All ages within sight of an accompanying adult.</p>	<b>GRANTED</b>										

No Applicant

Premises

**The Kellybank Inn**  
Kellybank Holiday Park  
Wemyss Bay

Variation Details

Times

Children and young persons are permitted within the designated areas with the exception of the Adult Pool area up to 11.00 p.m. or otherwise as per Inverclyde Licensing Board's Children and Young Persons Conditions.

Parts

Lounge Bar, Family Bar, Family Room, Family Pool Room, Sun Deck, External Seated areas (2).

**Existing**

Terms

Children must be within sight of an accompanying adult at all times.

In accordance with Inverclyde Licensing Board's Children and Young Persons in Licensed Premises Conditions with exception of 6(d) below.

Times

Children and Young Persons are permitted within the designated areas up to 11.00 p.m. otherwise, as per Inverclyde Licensing Board's Children and Young Persons in Licensed Premises Conditions.

Parts

Bar area (right of the premises from the entrance hall), two pool room areas (either side of the lounge bar area), side room (to the side of the lower pool room), family room (through the lounge bar area) and sun deck area.

- (e) Amend layout plan – reconfiguration of allocated rooms to facilitate restaurant and bar meals being provided both indoors and outdoors.

Decision

**GRANTED**

<u>No</u>	<u>Applicant</u>	<u>Premises</u>	<u>Variation Details</u>	<u>Decision</u>
		<b>The Kellybank Inn</b> Kellybank Holiday Park Wemyss Bay	<p>(f) Amend room occupancy capacity figures in line with reconfiguration of layout plan to:-</p> <p>Club Room      70 persons Lounge Bar      70 persons Pool Room       8 persons Family Room     20 persons Sun Deck        20 persons External seating area to front – 40 persons</p> <p>NOTE: Re-naming rooms: Club Room now Lounge Bar, Existing Pool Rooms now Adult Pool Room and Family Pool Room, Lounge Bar now Family Bar.</p> <p><b>Existing</b></p> <p>Club Room      70 persons Lounge Bar      70 persons Pool Room       8 Persons (each room) Family Room     20 persons Sun Deck        20 persons</p>	<b>GRANTED</b>

Mr Harvey, Messrs Blair & Bryden was present representing the applicant.

Ms Sinclair advised the Board that no objections or representations had been received and that the application is within the Board's Policy.

Mr Harvey addressed the Board specifying the reasons for the application and outlining the licence holder's prospective plans for the premises with a reconfiguration of the layout plan.

Inspector Christie confirmed that Police Scotland have no objections to the application.

Mr Crawford advised that a successful licensing compliance check had been undertaken on the premises last year.

After discussion, Councillor Crowther 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>
3.	Greene King Retailing Limited	<b>Victoria Bar</b> 106 Shore Street Gourock	<p>(a) Amend activities to be held on premises as follows:-</p> <p>(i) Add Bar meals both during and outwith core licensing hours. (Tick Box – Yes)</p> <p><b>Existing:</b> Tick Box – No</p> <p>(ii) Add Outdoor drinking facilities during core licensing hours. (Tick Box – Yes)</p> <p><b>Existing:</b> Tick Box – No</p>	<b>GRANTED</b>
				<b>REFUSED</b>
<u>No</u>	<u>Applicant</u>	<u>Premises</u>	<u>Variation Details</u>	<u>Decision</u>
		<b>Victoria Bar</b> 106 Shore Street Gourock	<p>(iii) Amend further details of activities to be provided to:-</p> <p>Bar Meals – available during and outwith core hours, so food can be served to customers as and when required, and for functions. This may involve using an outside caterer, or allowing local Restaurants / takeaways, or food delivery companies to deliver in.</p> <p>Outdoor drinking facilities will be available during core hours, but no later than 10.00 p.m., so customers can use the internal courtyard as an outside space, and any future pavement cafes if applications were made.</p> <p><b>Existing:</b> None</p>	<b>GRANTED WITH CONDITION</b>
			(b) Amend layout plan of premises to include addition of the courtyard as the outdoor drinking / dining area.	<b>REFUSED</b>

Mr Howlett, Belhaven Pubs was present together with Ms McGuinness, Belhaven Pubs Area Manager. Mr & Mrs Pollock, Ms Beattie and Mr Watson, objectors were in attendance.

Ms Sinclair advised that a representation had been received from Police Scotland and that twenty one public objections had been received with one late objection. Ms Sinclair asked the Chair if he was willing to accept the late objection received. The Chair agreed to the late objection being considered and Mr Howlett confirmed his acceptance.

Ms Sinclair read the representation by Police Scotland and the objections received to the Board. Copies of the documentation had been circulated to Members.

Inspector Christie addressed the Board on the terms of the Chief Superintendent's representation and that consideration be given to limiting the external area to 9.00 p.m. to minimise the risk of nuisance and/or disturbance to nearby residents.

Each of the objectors spoke on their objection and highlighted a few points of concern.

Ms Lindsay and Mr Lapsley provided information in respect of the food provision following a recent visit to the premises and Mr Crawford confirmed that the licensing compliance checks are in place.

Mr Howlett addressed the Board detailing the terms of the application and the proposed outdoor facilities. He agreed that 9.00 p.m. terminal hour as suggested by Police Scotland is acceptable. Mr Howlett provided information in respect of each of the points listed in the objections.

Following discussion, Mr Howlett requested to remove the wording of "*any future pavement cafes if applications were made*" within the description of the activities to be provided and agreed that food deliveries would be up to 9.00 p.m.

Following full discussion between all parties, Members considered the application in two parts:-

- (1) to add bar meals to the activities to be held on the premises; and
- (2) to add outdoor drinking facilities to be held on the premises.

In respect of (1) Councillor McEleny moved grant of the application with the condition that food deliveries are permitted up to 9.00 p.m. which was unanimously agreed.

In respect of (2) Councillor Curley moved grant of the application with the agreed amendments to the description of activities to be provided and external area terminal hour of 9.00 p.m. As an amendment, Councillor Ahlfeld moved refusal of outdoor drinking to be provided on the premises on the grounds that it is inconsistent with the licensing objective of preventing public nuisance.

Following a vote, two Members (Councillor Curley and Wilson) voted for the motion and four Members (Councillors Ahlfeld, Crowther, McEleny and Moran) voted for the motion which was declared carried.