

INVERCLYDE LICENSING BOARD

WEDNESDAY 26 OCTOBER 2022 AT 10.00 A.M.

Present: Councillors Brooks, Cassidy, Jackson, Law, McCormick, McVey, Reynolds and Robertson.

Chair: Councillor Brooks presided.

In attendance: Ms Anne Sinclair, Fiona Denver and Emma Peacock (for Clerk to the Board); Sergeant Fiona Moore-McGrath (Police Scotland); and Crawford Brown (Licensing Standards Officer)

Apologies: There were no apologies.

Declarations of Interest: Councillor Brooks declared an interest in Agenda Item 2.1 Variation of Premises Licence Application

The meeting was held at the Municipal Buildings, Greenock with Councillors Jackson, Law and McCormick attending by video-conference.

Councillor Brooks declared an interest in Agenda Item 2.1 below, recused himself and left the Meeting. Councillor Reynolds took the Chair.

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

Decision as per attached list.

Councillor Brooks returned to the Chambers and resumed the Chair prior the next item.

INVERCLYDE LICENSING BOARD FESTIVE SEASON POLICY 2022 – 2023

There was submitted a report by the Clerk of the Board on the proposed terms of the Festive Season Policy 2022 – 2023. Ms Sinclair read the contents of an e-mail from Police Scotland dated 19 October 2022 which requested the Board consider (a) that the extended hours is utilised for events related specifically to the Festive Season; (b) that Licence Holders notify Police Scotland by 1 December 2022 if they intend to use it; and (c) consideration be given to changing the terminal hour to 3am Thursday to Saturday for Nightclubs.

Ms Sinclair confirmed that previous Festive Season Policies have stipulated that only events which relate to the festive season are applicable and that the nightclub premises currently operate the hours specified in the Festive Season Policy on a Friday and Saturday night.

Sergeant Moore-McGrath addressed the Board on the reasons for the request by Police Scotland.

Following discussion, the Chair moved grant of the Policy as outlined in Appendix 2 with the recommendations set out in 2.1(a)(ii) to (h) of the report which was unanimously agreed.

Decided:

- (a) that 'blanket' extensions under section 67 of the Act for licensed premises (except Off Sales) shall apply;

- (b) that the Festive Season Policy will cover the period from Friday 9 December 2022 to Monday 2 January 2023 inclusive;
- (c) that licensed premises (except nightclubs) may open until 1.00 a.m. on Sunday to Wednesday and 2.00 a.m. Thursday to Saturday and nightclubs may open until 2.00 a.m. on Sunday to Wednesday and 3.30 a.m. (Bar to close 3.00 a.m.) on Thursday to Saturday;
- (d) that the terminal hour on Sunday 25 December, Monday 26 December 2022 and Sunday 1 January and Monday 2 January 2022 has the same terminal hour as Thursday to Saturday;
- (e) that the event being held must relate to the festive season e.g. Christmas Party Night, Hogmanay, and not to Birthday Parties, Weddings etc.;
- (f) that the curfew of 12 Midnight on 31 December 2022 will be relaxed to 1.00 a.m.;
- (g) that to assist the administration process, licence holders should notify the Police Scotland Licensing Department as soon as possible of those dates within the Festive Season Policy they intend to utilise; and
- (h) that occasional licence applications made for non-licensed premises e.g. Greenock Town Hall, Gamble Halls, Port Glasgow Town Hall, Community Halls etc for an event within the festive period may have the same hours granted in terms of the Festive Season Policy for events solely related to festive activities.

UPDATE REGARDING FUTURE DELIVERY OF LICENSING BOARD MEETINGS

There was submitted a report by the Clerk of the Board regarding the future delivery of Licensing Board meetings in light of new legislative change introduced by the Coronavirus (Recovery and Reform)(Scotland) Act 2022. Ms Sinclair, Depute Clerk, advised that the Board would require to review its current meeting arrangements and decide what arrangements should be in place in future to provide Licensing Board Members, Officers, applicants and any representatives with clarity.

Sergeant Moore-McGrath advised the Board that she covers two Licensing Boards and due to resource issues, attending face to face may be difficult especially if meetings fall on the same day, therefore having the option of a hybrid meeting makes it easier to manage.

Following discussion Councillor Brooks moved that meetings of the Licensing Board are held in person, proposed deletion of the remaining wording in bullet point 1 and that the other recommendations in the report in bullet points 2 -5 are accepted. As an amendment, Councillor McVey moved that all the recommendations (bullet points 1 – 5) are agreed in their entirety therefore providing the option of hybrid meetings being available. Following a roll call vote, one Member, Councillor Brooks voted for the motion and seven Members, Councillors Cassidy, Jackson, Law, McCormick, McVey, Reynolds and Robertson voted for the amendment which was declared carried.

Decided:

- (a) that meetings of the Licensing Board are all held on a hybrid basis moving forward, in accordance with Inverclyde Council's previously approved Remote and Hybrid Meeting Protocols, the exception to this being as agreed by the Council at its meeting on 23 September 2021;
- (b) that public attendance be facilitated by permitting physical attendance and extending an electronic invite to any member of the public who requests an invitation, with contact details to make such a request being published on each Calling Notice;

- (c) that, as under the current arrangements, given its *quasi-judicial* nature, the Licensing Board will adopt the position agreed by the Council, that such meetings shall not be live streamed, save where required by law;
- (d) that authority be delegated to the Clerk and Depute Clerk of the Licensing Board, in consultation with the Chair of the Licensing Board, to determine whether any Licensing Board meeting should instead be held on a fully in person or fully remote basis, where it is considered appropriate, for example, for reasons of public health; and
- (e) that authority be delegated to the Clerk and Depute Clerk of the Licensing Board, in consultation with the Chair of the Licensing Board, to determine the manner in which a hearing is held before the Licensing Board, in terms of the Coronavirus (Recovery and Reform) (Scotland) Act 2022.

BENCHMARKING EXERCISE ON THE INVERCLYDE LICENSING BOARD'S INCOME AND EXPENDITURE POSITION

There was submitted a report by the Clerk of the Board. Ms Sinclair, Depute Clerk, addressed the Board providing an update in respect of the Board's income and expenditure position and how it compares to that incurred by other Licensing Boards.

Councillor Brooks noted that other Authorities also run on a deficit although some of the parameters are not the same.

Ms Sinclair confirmed that, on the instruction of the Chair, a letter was issued to the Scottish Government requesting an update regarding the review of occasional licence applications which had been undertaken by the Scottish Government in 2019. Ms Sinclair advised that the response received from the relevant Government Minister stated that there were no proposals to increase the level of fee for an occasional licence. A copy of the response will be circulated to Members.

Members unanimously agreed to note the contents of the report and that Ms Sinclair will make further enquiries of SOLAR's licensing group regarding the issue of the statutory level of fees for occasional licences.

REPORT REGARDING REMIT TO THE INVERCLYDE LICENSING BOARD REGARDING CONTROL THE BLEED KITS

There was submitted a report by the Clerk to the Board on a remit from the Education & Communities Committee requesting that the Board consider whether it is appropriate to attach a condition or recommendation to a Premises Licence that each licensed premises in Inverclyde should have a Control the Bleed Kit upon their premises. Ms Sinclair, Depute Clerk, addressed the Board and advised of the restrictions upon the Licensing Board, in that additional licensing conditions can only be attached in circumstances relating to licensing objectives. Ms Sinclair highlighted that the Board may wish to consider including this matter as part of the Board's review of the Licensing Board Policy consultation.

Following discussion, Councillor Brooks moved to agree the recommendations in the report which was unanimously agreed.

Decided:

1. that Control the Bleed Kits form part of the public consultation on the Licensing Board's Policy Statement which is due to be reviewed by 31 October 2023; and
2. that the Clerk of the Licensing Board shall write to all licensed premises in Inverclyde with a recommendation that licensed premises should acquire and have a Control the Bleed Kit on their premises.

REMIT TO THE INVERCLYDE LICENSING BOARD REGARDING “GET ME HOME SAFELY” CAMPAIGN OF UNITE THE UNION

There was submitted a report by the Clerk of the Board asking the Board to consider a request from Councillor Cassidy that the Board should consider the most appropriate approach to the above campaign. Ms Sinclair addressed the Board on the lack of options available in terms of the legislation in relation to adding a condition to a premises licence, however explained that the Board may wish to consider including this matter as part of the review of the Board’s Policy consultation.

Following discussion it was unanimously agreed that the “Get Me Home Safely” Campaign would form part of the public consultation on the Licensing Board’s Policy Statement which is due to be reviewed by 31 October 2023.

INVERCLYDE LICENSING BOARD – 26 OCTOBER 2022

LICENSING (SCOTLAND) ACT 2005

(2) APPLICATION FOR TRANSFER WITH VARIATION OF PREMISES LICENCE

<u>No</u>	<u>Applicant</u>	<u>Premises</u>	<u>Variation Details</u>	<u>Decision</u>
1.	James Kelly	Vino 13 Ltd 13 St James Terrace Kilmacolm	(a) Transfer of licence holder from James Kelly to Kilmacolm Wine Bar Ltd t/a Vino 13 (b) Increase terminal core licensing hour to 12 Midnight Monday to Saturday. Existing <u>On Sales</u> Monday – Saturday 11.00 a.m. – 10.30 p.m. Sunday 12.15 p.m. – 10.00 p.m. <u>Off Sales</u> Monday – Saturday 10.00 a.m. – 10.00 p.m. Sunday 12 Noon – 10.00 p.m. (c) Add the following to Seasonal Variations:- Extensions over the festive period will be operated in accordance with Inverclyde Licensing Board Policy. Existing None	GRANTED GRANTED GRANTED
			(d) Amend activities /....	

<u>No</u>	<u>Applicant</u>	<u>Premises</u>	<u>Variation Details</u>	<u>Decision</u>
		Vino 13 Ltd 13 St James Terrace Kilmacolm	<p>(d) Amend activities to be provided on the premises during core licensing hours as follows:-</p> <p>(i) Addition of Receptions including weddings, funerals, birthdays, retirements etc.; and Live performances. (Tick Box – Yes)</p> <p>Existing Tick Box – No</p> <p>(ii) <u>Further Details</u> Add the following information to further details in respect of activities to be provided:-</p> <p>The First Saturday of each month, premises to open at 10.00 a.m. to offer teas/coffees to customers attending the Farmers Market. No on sales of alcohol to be sold prior to 11.00 a.m.</p> <p>Offering private functions and hosting live music performances. Due to the size of the premises and to prevent excessive noise nuisance to neighbours, this will be limited to small acoustic performances.</p> <p>Frequency of live performances will be limited and with a terminal hour of 10.00 p.m.</p> <p>Existing None</p>	GRANTED

Mr David Stevenson, Director of the transferee company, Kilmacolm Wine Bar Ltd t/a Vino 13 was present.

Ms Sinclair advised that no objections or representations have been received in connection with the application.

Sergeant Moore-McGrath confirmed that Police Scotland did not receive any complaints and that the premises were not the subject of any incident reports in the last year.

<u>No</u>	<u>Applicant</u>	<u>Premises</u>	<u>Variation Details</u>	<u>Decision</u>
			<p>The Licensing Standards Officer advised that he had visited the premises and met with Mr Stevenson. He confirmed that all notices were displayed appropriately and training records in place. Mr Brown intimated that Mr Stevenson showed a great awareness of the Licensing Act and had no doubt that Mr Stevenson would manage the premises well.</p> <p>Mr Stevenson addressed the Board providing information on the background of the premises and the proposed activities to be held.</p> <p>Councillor Robertson moved grant of the application which was unanimously agreed.</p>	