

INVERCLYDE LICENSING BOARD

THURSDAY 7 SEPTEMBER 2023 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 and Fiona Denver (for Clerk to the Board); Sergeant Richard Trutwin (Police Scotland); and Crawford Brown and Colin Robertson (Licensing Standard Officers).

Apologies: There were no apologies intimated.

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

The meeting was held at the Municipal Buildings, Greenock with all Councillors in attendance and Sergeant Trutwin attending remotely.

LICENSING (SCOTLAND) ACT 2005 MINUTES OF MEETING HELD ON 1 JUNE, 28 JUNE AND 1 AUGUST 2023

The Chair moved approval of the Minutes of the previous meetings which were unanimously agreed.

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

Decision as per attached list.

POLICE SCOTLAND ANNUAL REPORT 2022 – 2023

The Chair asked Members if they had any comments to make on the Police Scotland Report.

Sergeant Trutwin had nothing further to add to the contents of the report.

There being no questions from Members, Councillor Brooks moved to note the report which was unanimously agreed.

APPLICATIONS GRANTED UNDER DELEGATED AUTHORITY FOR THE PERIOD FROM 1 MAY TO 31 JULY 2023

Noted

INVERCLYDE LICENSING BOARD – 7 SEPTEMBER 2023

LICENSING (SCOTLAND) ACT 2005

(3) APPLICATION FOR VARIATION OF PREMISES LICENCE

<u>No</u>	<u>Applicant</u>	<u>Premises</u>	<u>Variation Details</u>	<u>Decision</u>
1.	Paramjit Kaur	Paul's Food & Wine Store 94 Shore Street Gourock	Amendment to layout plan with increase of alcohol display area to 19.75 sq. m. Existing 14.32 sq. m.	GRANTED

Mrs Paramjit Kaur, licence holder was present.

Ms Sinclair advised that a representation had been received from Health and Social Care Partnership and read the contents of the letter to the Board, copies of which had previously been circulated to Members. Ms Sinclair also advised that Mrs Kaur had submitted a letter in response to the Health and Social Care Partnership comments and read her letter to the Board, copies of which had previously been circulated to Members.

The Licensing Standards Officer, Mr Brown commented that during a compliance visit to the premises, alcohol was being displayed outwith the designated areas. Following a subsequent visit, it was noted that this matter had been rectified.

Sergeant Trutwin confirmed no objection to the application.

There followed a short discussion between Members and Mrs Kaur.

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

2.	Yat Wah Lee	Tulsi Indian Aroma 25/29 Kempock Place Gourock	(a) Add off sales core licensing hours as follows:- Monday – Saturday 12 Noon – 10.00 p.m. Sunday 12.30 p.m. – 10.00 p.m.	CONTINUED
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<u>No</u>	<u>Applicant</u>	<u>Premises</u>	<u>Variation Details</u>	<u>Decision</u>
		Tulsi Indian Aroma 25/29 Kempock Place Gourock	Existing N/A	
			(b) Add the following to any other activities to be provided:- Home delivery of food and alcohol. Alcohol to be delivered with food no alcohol only deliveries.	CONTINUED
			Existing None	
<p>It was noted that Mr McMahon, Messrs McMahon Consultancy who represents the applicant intended to join the meeting remotely. There were connection issues and Mr McMahon could not access the meeting.</p> <p>Ms Caroline Loudon, Messrs TLT LLP, advised that she may be able to assist the Board in this application.</p> <p>Following discussions with Members and the Depute Clerk, with no clear instruction from Mr McMahon, Members agreed to continue this item to a future meeting.</p>				
3.	C J Lang and Son Ltd	Spar 2 Ardgowan Road Wemyss Bay	(a) Amendment to layout plan with increase of alcohol display area to 19.77 sq. m. Existing 18.89 sq. m.	GRANTED
			(b) <u>Activities</u> (i) Add Gaming to activities to be held on premises. (Tick Box Yes)	GRANTED
			Existing Tick Box - No	
			(ii) Amend the information to further details for activities provided outwith core licensed hours as follows:-	GRANTED

No Applicant

Premises

Variation Details

Decision

Spar
2 Ardgowan Road
Wemyss Bay

The premises may open for general trade prior to the commencement of core hours.
Recorded music may be played, such as Spar Radio prior to the commencement of core hours. This is background level only.
National Lottery tickets/cards can be purchased prior to core hours.

Existing

Instore radio is operative during trading hours.

(iii) Amend the information to any other activities provided as follows:

The primary activity undertaken in the premises in the general retail sale of the following: Groceries; confectionery, bread & cakes, crisps/snacks, non-foods, toiletries, frozen & chilled foods, fruit/vegetables/flowers, news & magazines, toys, tobacco & cigarettes, beers/wines/spirits and other alcoholic products, non-alcoholic drinks.

Charity collection point and charitable events take place. Food to Go. Click & Collect. Home Deliveries. Paypoint payment. National Lottery outlet. Automated cash machine. Sampling & promotional activities.

Existing

The premises will be open outwith core hours for the sale of other items such as tobacco products, newspapers, confectionery, lottery tickets groceries and dairy products. Paypoint for bill payment facilities and purchase of mobile phone top ups, gift cards, television licence etc. Charity collection boxes are positioned at till points and charitable events take place within the premises form time to time.

GRANTED

<u>No</u>	<u>Applicant</u>	<u>Premises</u>	<u>Variation Details</u>	<u>Decision</u>
		Spar 2 Ardgowan Road Wemyss Bay	Supervised complimentary wine sampling is offered at the premises not more than twice in one year. An internal automated cash machine is provided.	

Ms Caroline Loudoun, Messrs TLT LLP was present representing the applicant.

Ms Sinclair advised that there are no objections or representations to the application.

Ms Caroline Loudon addressed the Board providing information on refurbishment to the premises and the increase in alcohol capacity. She advised of administration updates to the activities to bring the licence in line with other licences held by the Company.

There being no comments from any other parties, Councillor Brooks moved grant of the application which was unanimously agreed.

4.	Devinder Dhési	Cleats Bar 4 Kempock Street Gourock	Increase terminal core licensing hour on Saturday to 2.00 a.m.	GRANTED
			Existing	
			Monday – Wednesday	11.00 a.m. – 12 Midnight
			Thursday	11.00 a.m. – 12.45 a.m.
			Friday & Saturday	11.00 a.m. – 1.30 a.m.
			Sunday	12.30 p.m. – 12 Midnight

Mr Seamus Lamb, Messrs Maitlands LLP, was present representing the application. Mr Pervinder Dhési, family member was in attendance.

Ms Sinclair advised that Police Scotland had submitted an objection to the application, and thereafter read the contents of the Chief Superintendent's letter to the Board, copies of which had previously been circulated to Members.

Mr Lamb addressed the Board on the application in detail in relation to the significant entertainment facilities taking place within the premises. In particular, he outlined that there is a Disco every Saturday night with a DJ and four Stewards. Mr P Dhési stated that there are two DJs rather than one. Mr Lamb advised that during the festive season when an extension is provided to 2.00 a.m. there have been no reports of any noise or nuisance. He also stated that the granting of an extension would not create a precedence as there are no other similar premises in the area. Mr Lamb advised that the entertainment being provided is significant and requested Members to consider the application favourably.

Sergeant Trutwin re-iterated the terms of the Police Scotland objection highlighting issues of violence and disorder in late evening and early hours.

No Applicant

Premises

Variation Details

Decision

In response to a question from Councillor McVey, Mr Lamb confirmed that the outdoor area does not form part of the application.

Following a private hearing, Councillor Brooks moved grant of the application, and as an amendment, Councillor McVey moved refusal on the ground the application is out with the Board's Policy. On a vote, three Members (Councillors McVey, McCormick and Robertson) voted for the amendment and five Members (Councillors Brooks, Cassidy, Jackson, Law and Reynolds) voted for the motion which was declared carried.

Ms Sinclair confirmed the application as granted.