

INVERCLYDE LICENSING BOARD
THURSDAY 26 OCTOBER 2023 AT 12.30 PM

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

Chair: Councillor Brooks presided.

In attendance: Ms Anne Sinclair and Fiona Denver (for Clerk to the Board); Sergeant Ian Robertson (Police Scotland); Roisin Dillon (Public Protection Manager/Licensing Standards Officer); Crawford Brown and Colin Robertson (Licensing Standards 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 Councillors Brooks, Cassidy, Reynolds and Robertson in attendance and Councillors Law, McCormick, McVey and Sergeant Robertson attending by video-conference.

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

Decision as per attached list.

LICENSING (SCOTLAND) ACT 2005
LICENSING BOARD POLICY CONSULTATION

Ms Sinclair addressed the Board on the outcome of the public consultation in relation to review of the Licensing Board's Policy Statement which has been considered by the Board at meetings on 26 June, 1 August, and 18 September 2023, and requested that the Board now consider what further revisions, if any, require to be made to the Licensing Board Policy Statement.

Ms Sinclair advised there has been one response to the public consultation which closed on 24 October 2023, a response from a Gourock Premises Licence Holder, objecting to the proposed withdrawal of the 12 midnight Curfew.

Ms Sinclair requested that Members consider a minor amendment to the section of the Policy Statement regarding Delegated Authority and note that the Scheme of Delegation had been approved by the Board in June 2022, not 2023. Separately, Ms Sinclair proposed that the additional delegated authority granted to the Clerk/Depute Clerk in relation to Extended Hours/Occasional Licence applications, only apply in circumstances where it is not reasonably practical to hold a hearing. Cllr Brooks moved grant to amend the Policy Statement by insertion of the words "in circumstances where it is not reasonably practical to hold a hearing".

Cllr Reynolds addressed the Board on recent changes to legislation in relation to vaping, however as Officers have not had an opportunity to consider any changes, Cllr Reynolds did not insist upon any change to the Policy Statement at this time.

Ms Sinclair also highlighted that whilst some changes to the Policy will take immediate effect, such as withdrawal of the Curfew, others will not. Premises Licence Holders will require to carefully check the terms of their Operating Plans or contact the Licensing Section to make enquiries and ascertain if an application for variation is necessary.

It was noted that at the Board's meeting on 18 September 2023, the Board was of the view there was insufficient information available in order to assess overprovision in any of its 17 locality areas. The Clerk of the Board was authorised to undertake a further consultation specifically in relation to overprovision with the outcome of the consultation to be considered at a future meeting of the Board.

There followed a full discussion between all parties on the issues raised.

Cllr Brooks moved that the Policy Statement set out in Appendix 1, as amended, now be approved and adopted with effect from 1 November 2023 with the other recommendations of the report also approved. There was no amendment to this motion, which was unanimously granted.

Decision:

- (a) agreed that in terms of the Licensing (Scotland) Act 2005 there is no overprovision policy, as at the date of this policy statement, in relation to licensed premises within the 17 localities within the Board's area, but that further research and consultation on overprovision will be conducted by Officers and reported to a further meeting of the Board;
- (b) that the Licensing Board Policy Statement as set out in Appendix 1, and with such further changes as agreed by the Board at this meeting, be approved and adopted, such adoption being with effect from 1 November 2023;
- (c) agree to grant delegated authority to the Clerk and the Depute Clerk of the Licensing Board, in consultation with the Chair of the Board, to make such further changes as are deemed necessary further to the Board's decision today, and thereafter to finalise and publish the Licensing Board Policy Statement.

LICENSING BOARD FESTIVE SEASON POLICY 2023 – 2024

There was submitted a report by the Clerk of the Board on the proposed terms of the Festive Season Policy 2023 – 2024.

Ms Sinclair advised that the proposed Policy has been based on the Board's previous Festive Season Policies and that only events which relate to the festive season are applicable. She confirmed that the curfew will be deleted from the Policy following the updated Licensing Board Policy which comes into effect on 1 November 2023.

The Chair moved grant of the Policy as amended which was unanimously agreed.

Decided:

- (a) that 'blanket' extensions under section 67 of the Act for licensed premises (except Off Sales) shall be permitted;
- (b) that the Festive Season Policy will cover the period from Friday 8 December 2023 to Monday 1 January 2024 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 24 December, Monday 25 December, Tuesday 26 December and Sunday 31 December 2023 and Monday 1 January 2024 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 is deleted;
- (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.

INVERCLYDE LICENSING BOARD – 26 OCTOBER 2023

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.	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. Existing N/A	GRANTED
			(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. Existing None	GRANTED WITH CONDITIONS

Mr Brian McMahon, McMahon Consultancy was present representing the applicant together with Mr Lee, Licence Holder and Mr Kumar, designated premises manager.

Ms Sinclair advised that Police Scotland had submitted a representation by letter dated 26 July 2023 which she read to the Board. The Police Scotland representation included a request for additional conditions to be added to the licence, if granted. Ms Sinclair also advised that a letter of objection dated 26 July 2023 had been received from Health and Social Care Partnership and she read the terms of their objection to the Board.

Sergeant Robertson confirmed he had no further comments and that the conditions requested are standard conditions to most home delivery services.

The Licensing Standards Officer confirmed no comments to the application.

<u>No</u>	<u>Applicant</u>	<u>Premises</u>	<u>Variation Details</u>	<u>Decision</u>
			<p>Mr McMahon addressed the Board providing information on the home delivery service to be provided, he confirmed that alcohol will only be delivered with a minimum of a £10 food order. In respect of the Police Conditions, he stated that his client was content to accept the proposed Conditions, apart from the condition relating to mandatory training of delivery drivers as in future his clients may wish to use third parties. He advised that it would be more appropriate that staff receive relevant training, and that the proposed 2 hour training is restrictive and punitive in nature, and could be subject to legal challenge.</p> <p>Sergeant Robertson said he was satisfied with the proposed amendment to the Condition that there is a safe and responsible delivery of alcohol. It is for the premises to ensure that their staff are appropriately trained, and it is a responsible delivery.</p> <p>There followed a discussion between all parties and compliance checks would be carried out by the Licensing Standards Officers.</p> <p>Councillor Reynolds moved grant of the application subject to the Condition that (1) Alcohol only to be delivered with a minimum food order of £10 and (2) that the Police Conditions be added to the licence with the deletion of the Condition referring to training and with two alternative conditions as follows:</p> <ul style="list-style-type: none">(i) information must be provided to customers at the point of order that alcohol will only be delivered to persons of 18 years of age and over subject to the terms of section 108 of the Licensing (Scotland) Act 2005; and(ii) that the Licence Holder will take all reasonable steps to ensure that the person delivering alcohol has been given appropriate training to mitigate the risk of alcohol being delivered to a person who is drunk.	