

INVERCLYDE LICENSING BOARD
THURSDAY 7 MARCH 2024 AT 10.00 A.M.

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

Chair: Councillor Brooks presided.

In attendance: Ms Anne Sinclair, Ms 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 Officer).

Apologies: There 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 Jackson, McCormick and McVey, Sergeant Robertson and Roisin Dillon attending remotely.

LICENSING (SCOTLAND) ACT 2005
MINUTES OF MEETINGS HELD ON 7 DECEMBER 2023

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

LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR VARIATION 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
REVIEW OF PREMISES LICENCE – ANNUAL FEES

Decision as per attached list.

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

Decision as per attached list.

APPLICATIONS GRANTED UNDER DELEGATED AUTHORITY FOR THE PERIOD FROM 1
NOVEMBER 2023 TO 31 JANUARY 2024

Noted

INVERCLYDE LICENSING BOARD – 7 MARCH 2024

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.	Alliance Property Holdings Limited	Morrisons Daily 70/74 Inverkip Road Greenock	Add home delivery service to any other activities to be provided as follows:- A home delivery shopping service may be operated from the store. Existing The premises will be open outwith core hours for the sale of other items such as tobacco products, newspapers, confectionery and a range of groceries and dairy products.	GRANTED

Mr Alex Green, Gosschalks Solicitors was present representing the applicant. Ms Caroline Montgomery, Area Manager was in attendance.

Ms Sinclair advised that Police Scotland has submitted a representation to the application, requesting that additional conditions be placed on the licence, if granted. Ms Sinclair read the contents of the Chief Superintendent's letter dated 5 February 2024, copies of which had previously been circulated to Members.

Sergeant Robertson confirmed that the letter is a standard letter with details of conditions which Police Scotland wish to seek in relation to all delivery of alcohol services.

Mr Green addressed the Board providing background information on the operation of the store and advised that delivery companies will be used for delivery of alcohol, such as Just Eat and Deliveroo, who strictly follow the rules and regulations for such deliveries. Mr Green advised that section 119 of the 2005 Act and Section 17 of the Board's Licensing Policy set out what is permitted in relation to delivery of alcohol and his client will comply with the law and the Board's Policy. Referring to the condition regarding mandatory training of delivery drivers, he stated that such training is intended for shop staff and is not intended to include third party companies. He requested that the Board's Policy condition requiring appropriate training is mirrored here.

Mr Brown advised he had no comments to make regarding the application other than confirming that the site notice was displayed appropriately.

<u>No</u>	<u>Applicant</u>	<u>Premises</u>	<u>Variation Details</u>	<u>Decision</u>
			<p>Councillor Robertson sought clarification on the condition referring to sealed containers, and Sergeant Robertson confirmed this is a standard condition due to local Bye-laws.</p> <p>Following discussion, Councillor McVey moved grant of the application with conditions as per the Board's Policy which was unanimously agreed.</p>	
2.	Howarth's Way Limited	Hole in the Wa' Bar 1 Argyle Street Greenock	<p>Extend commencement core licensing hour for both on sales and off sales on Sunday to 11.00 am.</p> <p>Existing</p> <p><u>On Sales</u></p> <p>Monday – Thursday 11.00 am - 12 Midnight Friday & Saturday 11.00 am - 1.00 am Sunday 12.30 pm - 12 Midnight</p> <p><u>Off Sales</u></p> <p>Monday - Saturday 11.00 am - 10.00 pm Sunday 12.30 pm - 10.00 pm</p>	GRANTED

Ms Sinclair advised that the licence holder has submitted her apologies as she is unable to attend the meeting.

Ms Sinclair confirmed no objections or representation had been received.

Mr Brown advised he had no comment to the application and confirmed the site notice was displayed appropriately.

Councillor Robertson 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.	Ishtiaq Mohammed	Supersave 6 Cromdale Road Port Glasgow	Extend terminal core licensing hour on Sunday to 8.00 pm. Existing (Off Sales) Monday - Thursday 10.00 am - 8.00 pm Friday & Saturday 10.00 am - 9.00 pm Sunday 10.00 am - 3.00 pm	GRANTED

Mr Archie Maciver, Brunton Miller Solicitors was present representing the applicant.

Ms Sinclair confirmed no objections or representation had been received.

Mr Maciver addressed the Board advising that the premises have been refurbished since his client took over the premises and due to customer demand requested to extend the Sunday core licensing hour to 8.00 p.m.

Mr Robertson advised he had no comments to the application and confirmed the site notice was displayed appropriately.

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

4.	Stewart McCartney	Spinnaker Hotel 121 Albert Road Gourock	(a) Extend commencement core licensing hour for both on sales and off sales on Sunday to 11.00 am. Existing <u>On Sales</u> Monday - Wednesday 11.00 am - 12 Midnight Thursday - Saturday 11.00 am - 1.00 am Sunday 12.30 pm - 12.30 am <u>Off Sales</u> Monday – Saturday 11.00 am - 10.00 pm Sunday 12.30 pm - 10.00 pm	GRANTED
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<u>No</u>	<u>Applicant</u>	<u>Premises</u>	<u>Variation Details</u>	<u>Decision</u>
		Spinnaker Hotel 121 Albert Road Gourock	(b) Amend seasonal variation to open on Christmas Day and New Year's Day at 4.30 pm. Existing (i) The premises close at 3.30 p.m. on Christmas Day and New Years Day in any year. (ii) Extensions over the festive period will be operated in accordance with Inverclyde Licensing Board Policy. (iii) Any local or national holidays defined by Inverclyde Licensing Board.	GRANTED AS AMENDED

Mr Stewart McCartney, licence holder was present.

Ms Sinclair confirmed no objections or representation had been received.

Mr Robertson advised no comments to the application and confirmed the site notice was displayed appropriately.

Mr Stewart addressed the Board and confirmed that the time applied for in respect of Xmas Day and New Year's Day is the closing time.

Ms Sinclair confirmed the application is amended to close at 4.30 pm on Xmas Day and New Year's Day.

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

INVERCLYDE LICENSING BOARD - 7 MARCH 2024

LICENSING (SCOTLAND) ACT 2005

(4) APPLICATION FOR PROVISIONAL PREMISES LICENCE

<u>No</u>	<u>Applicant</u>	<u>Premises</u>	<u>Proposed Licence Details</u>	<u>Decision</u>
1.	Ardgowan Distillery Company Limited	Titan Rum Ardgowan Estate Inverkip	Description of Premises Warehouse, dispatch and retail unit within wider Ardgowan Estate. Core Licensing Hours – On Sales N/A Core Licensing Hours – Off Sales Monday – Sunday 10.00 am – 10.00 pm Seasonal Variations None Activities Club or other group meetings, recorded music and films to be provided both during and outwith core licensing hours. (Tick Box – Yes) <u>Activities – Further Details</u> The premises operate as storage, dispatch and retail unit. Ancillary meetings and presentations may occur during and outwith core hours and certain activities, noted above, may be available during this time. <u>Any Other Activities</u> The premises operate as a storage, dispatch and retail unit. Children and Young Persons N/A	GRANTED

<u>No</u>	<u>Applicant</u>	<u>Premises</u>	<u>Proposed Licence Details</u>	<u>Decision</u>
		Titan Rum Ardgowan Estat Inverkip	Capacity of Premises Zero Designated Premises Manager To be confirmed.	

Ms Lynn Simpson, TLT LLP was present representing the applicant.

Ms Sinclair confirmed that no objections or representations had been received and that the planning section 50 Certificate is in place.

Ms Simpson addressed the Board and intimated that Ms Jessica Skelton, Ardgowan Distillery and Mr Stephen McGowan, TLT LLP both apologise for not being in attendance. Ms Simpson explained that Titan Rum will operate from a small unit within the Estate. She advised that this is an upcoming brand providing a small production and distribution centre with a counter for walk-in customers.

Councillor Brooks requested information on the activities requested and Ms Simpson confirmed that these are included as they may be provided in the future, for example, to show production films and meetings.

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

2.	GRS Retail Limited	97 Shore Street Gourock	Description of Premises Single storey general convenience store. Core Licensing Hours – On Sales N/A Core Licensing Hours – Off Sales Monday – Sunday 10.00 am – 10.00 pm Seasonal Variations None	GRANTED
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<u>No</u>	<u>Applicant</u>	<u>Premises</u>	<u>Proposed Licence Details</u>	<u>Decision</u>
		97 Shore Street Gourrock	Activities None (Tick Box – No) <u>Any Other Activities</u> Being a general convenience store, the premises may operate outwith the core licensed hours for the provision of services and the sale of non-alcohol products. Children and Young Persons N/A Capacity of Premises Alcohol Display Area 29.033 sq.m. Designated Premises Manager To be confirmed.	

Mr Archie Maciver, Brunton Miller Solicitors was present representing the applicant. Mr Steven Singh, Director was in attendance.

Ms Sinclair confirmed no objections or representations had been received and that the planning section 50 Certificate is in place.

Mr Maciver addressed the Board providing background information on the premises and Mr Singh as licence holder. He intimated that the premises were previously licensed and have been refurbished and seek to re-instate the licence on the premises.

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

INVERCLYDE LICENSING BOARD – 7 MARCH 2024

LICENSING (SCOTLAND) ACT 2005

(5) REVIEW OF PREMISES LICENCE: ANNUAL FEES

Ms Sinclair advised that all of the undernoted reviews of Premises Licences relate to non-payment of annual fees, a breach of the licence conditions. She asked Members to note that in most cases, arrears initially arose during the Covid 19 pandemic at which time the Board took a light touch approach in relation to pursuing fees but that it is now appropriate that this matter is pursued.

<u>No</u>	<u>Licence Holder</u>	<u>Premises</u>	<u>Year/s Due and Total Amount</u>	<u>Decision</u>
1.	Ambreen Pervez	Family Stores 12 Robert Street Port Glasgow	2020–2021; 2021–2022; 2022–2023 and 2023–2024 £880	LICENCE REVOKED

No-one was present or represented the licence holder.

Mr Brown advised that in his capacity as Licensing Standards Office he has not known the premises to be open and that the premises are in a state of disrepair.

There followed a discussion on the procedure of annual fees and letters issued in pursuance of the outstanding fees. Ms Sinclair advised that the finance section would assist the Board in regard to recovery of fees.

Councillor Robertson moved to revoke the licence and pursue the outstanding fees which was unanimously agreed.

2.	Sukhdev Boparai	Gate of India 1 Mansion Avenue Port Glasgow	2021-2022; 2022-2023 and 2023-2024 £660	NOT CALLED
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Ms Sinclair advised that the licence holder has surrendered the licence and therefore this item will not call.

<u>No</u>	<u>Licence Holder</u>	<u>Premises</u>	<u>Year/s Due and Total Amount</u>	<u>Decision</u>
3.	Iain Love	The Big Night Inn 11 Kempock Street Gourock	2022–2023 and 2023-2024 £560	LICENCE REVOKED

No-one was present or represented the licence holder.

Mr Brown advised that this premises is now operating as clothes shop and no longer trading as an off sales. He could not confirm as to when this change may have taken place, however stated it may be a couple of years.

Councillor Reynolds confirmed that the premises have changed and moved to revoke the licence and pursue the outstanding fees which was unanimously agreed.

4.	Afzal Muhammad	24/26 Corlic Street Greenock	2019-2020; 2020-2021; 2021-2022; 2022- 2023 and 2023-2024 £1,100	NOT CALLED
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Ms Sinclair advised that the licence holder has paid the full amount of outstanding fees and therefore, this item will not call.

5.	Hoi Cheung Lam	The Cathay Royale 134 West Blackhall Street Greenock	2020–2021; 2021-2022; 2022-2023 and 2023-2024 £1,120	LICENCE SURRENDERED /NOT CALLED
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Mr Hoi Cheung Lam was present.

Ms Sinclair advised that the usual letters had been sent requesting the annual fee payments.

Mr Lam addressed the Board and advised that since lockdown he has not been running the restaurant, only take-away food and does not require the licence. He advised that he wishes to surrender the licence.

Mr Lam provided written confirmation of his surrender of licence and Ms Sinclair confirmed that as such, this item does not require to be considered.

<u>No</u>	<u>Licence Holder</u>	<u>Premises</u>	<u>Year/s Due and Total Amount</u>	<u>Decision</u>
6.	Trustee	Greenock Police Athletic & Literary Club Thom Street Greenock	2021-2022; 2022-2023 and 2023-2024 £540	LICENCE REVOKED

No-one was present or represented the licence holder.

Mr Brown advised that the premises have been closed for a long period of time and he has never known it to be operating.

Ms Sinclair confirmed that the licence is held by a Trustee.

Councillor Cassidy moved to revoke the licence which was unanimously agreed.

7.	Fig Promotions Ltd	Red Nightclub 12 Cross Shore Street Greenock	2022-2023 and 2023-2024 £560	LICENCE REVOKED
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No-one was present or represented the licence holder.

Mr Robertson advised that the premises have been closed for a long period of time and he has never known it to be operating.

Councillor Brooks moved to revoke the licence which was unanimously agreed.

8.	Lapwine Ltd	Fenwick 47 47 West Blackhall Street Greenock	2022-2023 and 2023-2024 £500	LICENCE REVOKED
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Ms Lynn Simpson, TLT LLP was present representing the licence holder.

Ms Sinclair advised that Mr Stephen McGowan, TLT LLP had submitted an e-mail this morning offering formal apologies to the Board and advised that the licence holder is making arrangements to pay the fee today. Ms Sinclair read the contents of the e-mail to the Board,

Mr Robertson advised that the premises appear to be closed and that they have been unable to hand deliver letters to the premises.

<u>No</u>	<u>Licence Holder</u>	<u>Premises</u>	<u>Year/s Due and Total Amount</u>	<u>Decision</u>
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Ms Simpson echoed Mr McGowan's apologies and re-iterated that it had only come to the attention of her client that morning that the annual fees were outstanding. She confirmed that payment was being arranged today. She asked that the Board take no action at this time.

There followed a discussion on the closed premises and annual fee payments.

Following private discussion, Ms Simpson confirmed that the licence holder has now paid the outstanding fees this morning. She requested the Board to consider continuing the item to allow confirmation of payment rather than taking any action at the present time. She re-iterated that it was a genuine oversight and that immediate steps have been taken to resolve it.

There followed discussion between Members and the Clerk confirming details of the letters which had been issued to the registered address of the licence holder.

Ms Simpson spoke on the proportionality of the decision the Board requires to consider.

The Board agreed to go into private session, following which, Councillor McVey moved to revoke the licence, and as an amendment Councillor Brooks moved to continue the item. On a vote, one Member (Councillor Brooks) voted for the amendment and six Members (Councillors Cassidy, Jackson, McCormick, McVey, Reynolds and Robertson) voted for the motion, which was declared carried.

Ms Sinclair confirmed the licence is revoked.