

All correspondence to be addressed to the Clerk

# Inverclyde Licensing Board

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Our Ref: FD/LIC  
Your Ref:  
Date: 30 May 2013

## ALL MEMBERS OF THE LICENSING BOARD

Dear Member

Please attend a meeting of the **INVERCLYDE LICENSING BOARD** to be held on **Thursday 6 June 2013** at **10.00 a.m.** within the **MUNICIPAL BUILDINGS, GREENOCK.**

Yours faithfully

Depute Clerk

## AGENDA

- 1. Licensing (Scotland) Act 2005: Application for Variation of Premises Licence**  
A list of applications is enclosed.
- 2. Licensing (Scotland) Act 2005: Application for Transfer of Premises Licence**  
A list of applications is enclosed.
- 3. Licensing (Scotland) Act 2005: Application for Provisional Premises Licence**  
A list of applications is enclosed.
- 4. Licensing (Scotland) Act 2005: Review of Premises Licence**  
A list of premises is enclosed.
- 5. Licensing (Scotland) Act 2005: Children and Young Persons Policy**  
Report by Depute Clerk.

INVERCLYDE LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

(1) APPLICATION FOR VARIATION OF PREMISES LICENCE

<u>No</u>	<u>Name and Address of Applicant</u>	<u>Address of Premises</u>	<u>Variation Details</u>	<u>Decision</u>														
1.	Lapwine Limited 7 Clarence House Hood Street Greenock	<b>Harwoods</b> 208 Dalrymple Street Greenock	<p>(a) To permit Children and Young Persons on the premises as follows:-</p> <p>(i) Children are permitted until 11.00 p.m. when attending a family function or having a meal.</p> <p>(ii) Young Persons are permitted until 1.00 a.m. when attending a family function or having a meal.</p> <p><b>Existing</b> When alcohol is being sold for consumption on the premises children or young persons <b>will not</b> be allowed entry.</p> <p>(b) Variation to Core Licensed Hours for consumption on premises to allow daytime trading as follows:</p> <table border="0"> <tr> <td>Monday – Thursday</td> <td>11.00 a.m. – 1.00 a.m.</td> </tr> <tr> <td>Friday and Saturday</td> <td>11.00 a.m. – 2.00 a.m.</td> </tr> <tr> <td>Sunday</td> <td>12.15 p.m. – 1.00 a.m.</td> </tr> </table> <p><b>Existing</b></p> <table border="0"> <tr> <td>Monday</td> <td>Closed</td> </tr> <tr> <td>Tuesday – Thursday</td> <td>8.00 p.m. – 1.00 a.m.</td> </tr> <tr> <td>Friday and Saturday</td> <td>7.00 p.m. – 2.00 a.m.</td> </tr> <tr> <td>Sunday</td> <td>7.00 p.m. – 1.00 a.m.</td> </tr> </table> <p>(c) Variation to include bar meals as an activity within the premises during Core Licensed Hours. (Tick box to Yes)</p> <p><b>Existing</b> Tick Box - No</p>	Monday – Thursday	11.00 a.m. – 1.00 a.m.	Friday and Saturday	11.00 a.m. – 2.00 a.m.	Sunday	12.15 p.m. – 1.00 a.m.	Monday	Closed	Tuesday – Thursday	8.00 p.m. – 1.00 a.m.	Friday and Saturday	7.00 p.m. – 2.00 a.m.	Sunday	7.00 p.m. – 1.00 a.m.	
Monday – Thursday	11.00 a.m. – 1.00 a.m.																	
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Sunday	7.00 p.m. – 1.00 a.m.																	

## AGENDA ITEM 1

<u>No</u>	<u>Name and Address of Applicant</u>	<u>Address of Premises</u>	<u>Variation Details</u>	<u>Decision</u>
2.	MacAdam McDonald Ltd 2 Blythswood Square Glasgow	<b>Roxburgh Bar</b> 37 Roxburgh Street Greenock	(a) Variation to change of use of premises to Convenience Store with Off Sale facility.  <b>Existing</b> Premises operate as a public house.  (b) Amend Operating Plan in accordance with the functions of a convenience store including sale of alcohol for consumption off premises as permitted (Monday – Sunday 10.00 a.m. – 10.00 p.m.) with alcohol display area of 23.4 sq. m..	

INVERCLYDE LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

(2) APPLICATION FOR TRANSFER OF PREMISES LICENCE

<u>No</u>	<u>Name and Address of Applicant</u>	<u>Address of Premises</u>	<u>Current Licence Holder</u>	<u>Proposed Licence Holder</u>	<u>Decision</u>
1.	Mr Kashmira Singh Bhatti c/o Winehouse 3 Octavia Buildings Bridge of Weir Road Kilmacolm	Winehouse 3 Octavia Buildings Bridge of Weir Road Kilmacolm  (Off Sales)	Mr Kashmira Singh Bhatti c/o Winehouse 3 Octavia Buildings Bridge of Weir Road Kilmacolm	Kilmacolm Stores Ltd 3 Octavia Buildings Bridge of Weir Road Kilmacolm	

INVERCLYDE LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

(3) APPLICATION FOR PROVISIONAL PREMISES LICENCE

<u>No</u>	<u>Name and Address of Applicant</u>	<u>Address of Premises</u>	<u>Decision</u>
1.	Aldi Stores Ltd Holly Lane Atherstone Warwickshire	<b>Aldi</b> Grey Place Greenock  (Off Sales)	
2.	Marstons Operating Ltd Marston's House Brewery Road Wolverhampton WV1 4JT	<b>Bar Restaurant</b> Land North of Ardgowan Street (part of former Scott Lithgow & East Glen Yard) Port Glasgow  (Both - On and Off Sales)	
3.	Amarjit Singh 101 Newton Street Greenock	<b>2/8 Fife Road</b> Greenock  (Off Sales)	

INVERCLYDE LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

(1) REVIEW OF PREMISES LICENCE

<u>No</u>	<u>Name and Address of Licence Holder</u>	<u>Address of Premises</u>	<u>Review Requested By</u>	<u>Decision</u>
1.	Rosemount Taverns Ltd 5 Fitzroy Place GLASGOW	The Double A 9 Inverkip Street Greenock	Police Scotland	

<b>Report To:</b>	<b>Inverclyde Licensing Board</b>	<b>Date: 6<sup>th</sup> June 2013</b>
<b>Report By:</b>	<b>Clerk to the Board</b>	<b>Report No: LA/1041/13</b>
<b>Contact Officer:</b>	<b>James Douglas</b>	<b>Contact No: 01475 712109</b>
<b>Subject:</b>	<b>Children and Young Persons Policy</b>	

**1.0 PURPOSE**

1.1 The purpose of the report is to seek the Board’s decision on its Children and Young Persons Policy following a formal request to consider the matter by the Inverclyde Licensing Forum. In addition to this matter, the Forum have requested that supplementary information be sought from those making applications for Occasional Licences, and the Board shall require to make a decision on this request.

**2.0 BACKGROUND**

2.1 The Inverclyde Licensing Forum have made a formal request that the Board amends its policy in relation to the access and times of access granted to children and young persons on licensed premises. This follows a raft of recent applications to allow children and young persons to remain within licensed premises for longer periods than is currently allowed in terms of the Board’s current policy.

2.2 The Inverclyde Licensing Forum have concluded that most applications that run contrary to the Board’s current policy are in the form of Occasional Licence applications. The Forum considers it appropriate that the Occasional Licence application form be extended to provide such supplementary information that allows for better decision-making and provides information to consultees on the nature of the application.

2.3 The Inverclyde Licensing Forum’s formal submission with respect to changes to the Children and Young Persons policy is contained within Appendix 1 to this report, and a suggested supplementary information form to be attached to the Occasional Licence application form is contained within Appendix 2 to this report

**Appendix 1**

**Appendix 2**

2.4 The Inverclyde Licensing Board’s current Children and Young Persons policy is contained within Appendix 3 to this report.

**Appendix 3**

**3.0 RECOMMENDATION**

3.1 That the Board decide to:

- (a) Adopt the formal submission by Inverclyde Licensing Forum as official Board Policy with regard to children and young persons; or
- (b) Make no change to the Board’s current policy; or
- (c) Make such other amendments to the Policy as the Board considers appropriate having regard to the Licensing objectives, legislation and the submissions provided.

3.2 That the Board decide to adopt the supplementary form being proposed to the Occasional Licence application form or to refuse to adopt same.

James Douglas  
Depute Clerk

**Suggested addition to Section 2.15. Protecting Children from harm**

The Board seeks to promote family friendly premises and seeks to promote the consumption of alcohol in a responsible manner, therefore the impact of alcohol at child centred events requires to be minimised.

Child centred events can be defined as events where predominately the attendees are children and/or where the purpose of the event is predominately for a children's activity or organisation. This includes, but is not limited to, schools; youth organisations; sporting clubs etc.

**Suggested revision to Section 5.3. Children and Young Persons on Licensed Premises**

The board welcomes applications from licenses premises which will accommodate children and young people in a safe and responsible environment. However, the Board recognises the additional responsibilities placed upon such premises and the importance that such premises have in place appropriate measures to protect children and young people from harm.

The Board seeks to promote the consumption of alcohol in a responsible manner.

In determining any application where the operating plan indicates that children are to be allowed on the premises, the Board will consider the need to protect children from harm as its paramount concern.

Applicants will be expected to demonstrate understanding of the additional responsibilities placed on them when children are on the premises. Specifically, applicants will be expected to demonstrate that suitable and sufficient measures are in place to protect children from harm.

Parts of premises to which children and young persons are to be allowed entry will require to have a suitable character and atmosphere. Toilets should be of a reasonable standard and reasonably accessible to the area to which children and young persons are allowed entry.

The Licensing Board may impose conditions on a premises licence where children are to be allowed entry such as, but not limited to, the following:-

(i) Children shall be permitted to enter and remain in licensed premises as follows:-

- a) Children may be in licensed premises until 8 pm whilst supervised by an adult
- b) Children may remain in licensed premises between 8 pm and 10 pm while they and/or the accompanying adult(s) are having a meal;
- c) Children may be in licensed premises between the hours of 8 pm and 10 pm while attending a function.
- d) The Licensing Board may consider applications from premises seeking children aged 12 and over to remain within licensed premises beyond 10pm in exceptional circumstances. Applicant premises will ensure the licensing objective of Protecting Children from Harm is given strong consideration and where deviates from policy, evidence is shown as to how they will meet the objective.
- e) Young persons may be within licensed premises until 8pm unaccompanied at the discretion of the Designated Premises Manager



- f) Young persons may be in licensed premises after 8pm and until 11pm while they and the accompanying adult(s) are having a meal;
- g) Young persons may be in licensed premises between the hours of 8pm and 11pm while they and the accompanying adult(s) are attending a function.
- h) The Licensing Board may consider applications from premises seeking Young persons to remain within licensed premises beyond 11pm in exceptional circumstances.
- (ii) All heating appliances in the public area of the licensed premises must be adequately protected.
- (iii) All electrical sockets in the public areas of the licensed premises must be adequately protected.
- (iv) Children must not be permitted to operate any amusement with prizes machines which are in licensed premises.
- (v) A children's menu must be available at all times or alternatively the main menu must show that children's portions are available.
- (vi) Baby's high chairs must be provided for very young children.
- (vii) An adequate sized lidded bin must be provide in both male and female toilets for the disposal of soiled nappies and the bins must be clearly marked to indicate the purpose for which they are provided.
- (viii) Changing facilities for infants must be provided and maintained in both male and female toilets, or the accessible toilet when available.
- (ix) Non-glass containers for alcohol will be available when children are in licensed premises.

Licence holders are reminded that they and their staff must comply with all other legislation in relation to children and young persons including not selling or allowing the sale of alcohol to children and young persons; not delivering alcohol to a child or young person; the employment of children and young persons; and preventing or stopping a child from being breast fed in terms of the Breastfeeding etc. (Scotland) Act 2005.

### **Suggested revision to Section 8 – Occasional Licences**

This Council wishes to promote a culture of responsible alcohol use throughout our communities particularly in relation to children and young people.

The Licensing Board may impose conditions on an occasional licence where children are to be allowed entry such as, but not limited to, the following:-

Children shall be permitted to enter and remain in premises as follows:-

- a) Children may be in licensed premises until 8 pm whilst supervised by an adult
- b) Children may remain in licensed premises between 8 pm and 10 pm while they and/or the accompanying adult(s) are having a meal;
- c) Children may be in licensed premises between the hours of 8 pm and 10 pm while attending a function.

- d) The Licensing Board may consider applications from premises seeking children aged 12 and over to remain within licensed premises beyond 10pm in exceptional circumstances. Applicant premises will ensure the licensing objective of Protecting Children from Harm is given strong consideration and where deviates from policy, evidence is shown as to how they will meet the objective.
- e) Young persons may be within licensed premises until 8pm unaccompanied at the discretion of the Designated Premises Manager
- f) Young persons may be in licensed premises after 8pm and until 11pm while they and the accompanying adult(s) are having a meal;
- g) Young persons may be in licensed premises between the hours of 8pm and 11pm while they and the accompanying adult(s) are attending a function.
- h) The Licensing Board may consider applications from premises seeking Young persons to remain within licensed premises beyond 11pm in exceptional circumstances.

**SUPPLEMENTARY INFORMATION**  
**SUGGESTED APPENDICE SHEET FOR APPLICATIONS FOR**  
**OCCASIONAL LICENCES**

<p><b>1. <u>Event</u></b></p> <p>(a) Please detail the type of event (e.g. birthday party, anniversary celebration, ceilidh, Gala Day etc).</p> <p>(b) What entertainment, if any, will be provided? (e.g. live music, recorded music etc).</p>	<p>(a)</p> <p>(b)</p>
<p><b>2. <u>Attendance</u></b></p> <p>(a) Approximately how many people are expected to attend?</p> <p>(b) How is this figure obtained? (e.g. previous events, ticket sales, capacity of venue)</p> <p>(c) what are the approximate numbers of children and young persons anticipated to attend?</p> <p>(d) In general, what age group will form the majority of those attending? (Tick one box)</p> <p>(e) How is access gained to the event? (e.g. ticket purchased in advance, ticket purchased at the door, private invitation)</p>	<p>Children (0-15) <input type="checkbox"/></p> <p>Young Persons (16 &amp; 17) <input type="checkbox"/></p> <p>Under 18 <input type="checkbox"/>      30 - 50 <input type="checkbox"/></p> <p>18 - 30 <input type="checkbox"/>      Over 50 <input type="checkbox"/></p>
<p><b>3. <u>Stewarding</u></b></p> <p><i>Please note it is an offence under the Private Security Industry Act 2001 to <u>employ</u> unlicensed door stewards. It is also an offence to independently employ SIA stewards 'in house' without a non-frontline SIA licence. Details of approved contractors who can supply SIA door stewards can be found at <a href="http://www.the-sia.org.uk/home">http://www.the-sia.org.uk/home</a></i></p>	
<p>(a) Please state the number, if any, of stewards to be employed at the event?</p>	<p>a)</p>

<p>(b) Of that number, please state how many will be SIA registered stewards and how many will be volunteers?</p> <p>(Please note that volunteers are very limited to what actions they can undertake. Carrying out door steward duties without a licence is an offence. Please see the SIA website for guidance.)</p>	<p>(b)</p>
<p><b>4. <u>Layout Plans</u></b></p> <p>Please indicate if -</p> <p>(a) there is a plan attached to a Public Entertainment Licence issued for the premises / venue; or</p> <p>(b) the premises are already licensed as a registered club with a premises licence; or</p> <p>(c) a layout plan of the venue is attached with the application, clearly indicating where the bar area will be and areas where children and young persons will be permitted</p>	<p>(a) YES/NO</p> <p>(b) YES/NO</p> <p>(c) YES/NO</p>
<p><b>5. <u>Applications Lodged by Voluntary Organisations or Registered Clubs Only</u></b></p> <p>Please list the dates of previous occasional Licences granted by the Board between 1<sup>st</sup> January and 31<sup>st</sup> December</p>	

PLEASE SUBMIT THIS SHEET WITH YOUR OCCASIONAL LICENCE APPLICATION FORM

### **2.1.5 Protecting Children from Harm**

The Board wishes to see family friendly premises thriving in the area. Where applicants wish to operate such premises, the Board expects them to appreciate that this places additional responsibilities upon them at the same time recognising that parents and other adults accompanying children also have responsibilities.

The Board also takes very seriously the issue of under age drinking and wishes to remind licenceholders that they and their staff must comply with all other legislation in relation to children and young persons including not selling or allowing the sale of alcohol to children and young persons.

The following examples of control measures are given to assist applicants who may need to take account of them in their operating plan having regard to their particular type of premises and/or licensable activities:-

- effective and responsible management of premises;
- effective supervision of staff;
- adoption of best practice, including a written policy on prevention of sales of alcohol to children;
- limitation on the hours when children may be present, in all or parts of the premises;
- limitations or exclusions by age;
- acceptance of accredited proof of age schemes including Challenge 21;
- measures to ensure children do not purchase, acquire or consume alcohol;
- measures to ensure children are not exposed to incidences of strong and offensive language, violence or disorder;
- use of fixed fire guards on open fires and prohibition of mobile heaters when young children are in the premises; and
- availability of high chairs and suitable drinking vessels for young children.

### **5.3. Children and Young Persons on Licensed Premises**

The Board aims to ensure that premises which seek to accommodate children are run in such a way that they are suitable for children.

In determining any application where the operating plan indicates that children are to be allowed on the premises, the Board will consider the need to protect children from harm as its paramount concern.

Applicants will be expected to demonstrate understanding of the additional responsibilities placed on them when children are on the premises. Specifically, applicants will be expected to demonstrate that suitable and sufficient measures are in place to protect children from harm.

Parts of premises to which children and young persons are to be allowed entry will require to have a suitable character and atmosphere. Toilets should be of a reasonable standard and reasonably accessible to the area to which children and young persons are allowed entry.

The Licensing Board may impose conditions on a premises licence or in granting an occasional license where children are to be allowed entry such as, but not limited to, the following:-

- (i) Children and young persons shall be accompanied and supervised by a suitable adult or adults when they are in licensed premises as follows:-
- Children may be in licensed premises until 8 pm;
  - Children may be in licensed premises between 8 pm and 11 pm while they and/or the accompanying adult(s) are having a meal;
  - Children may be in licensed premises between the hours of 8 pm and 11 pm while attending a function such as a wedding or an 18<sup>th</sup> birthday party;
  - Young persons may be within licensed premises until 11 pm while accompanied by a suitable adult;
  - Young persons may be in licensed premises between 11 pm and 1 am while they and the accompanying adult(s) are having a meal;
  - Young persons may be in licensed premises between the hours of 11pm and 1 am while attending a function such as a wedding or an 18<sup>th</sup> birthday party.
- (ii) All heating appliances in the public area of the licensed premises must be adequately protected.
- (iii) All electrical sockets in the public areas of the licensed premises must be adequately protected.
- (iv) Children must not be permitted to operate any amusement with prizes machines which are in licensed premises.
- (v) A children's menu must be available at all times or alternatively the main menu must show that children's portions are available.
- (vi) Baby's high chairs must be provided for very young children.
- (vii) An adequate sized lidded bin must be provide in both male and female toilets for the disposal of soiled nappies and the bins must be clearly marked to indicate the purpose for which they are provided.
- (viii) Changing facilities for infants must be provided and maintained in both male and female toilets.
- (ix) Non-glass containers for alcohol will be available when children are in licensed premises.

Licenceholders are reminded that they and their staff must comply with all other legislation in relation to children and young persons including not selling or allowing the sale of alcohol to children and young persons; not delivering alcohol to a child or young person; the employment of children and young persons; and preventing or stopping a child from being breast fed in terms of the Breastfeeding etc. (Scotland) Act 2005.

**8. OCCASIONAL LICENCES**

8.1 It is possible to make an application for an occasional licence authorising the sale of alcohol on premises which are not licensed premises. This may be made by:-

- the holder of a premises licence;
- the holder of a personal licence;
- or a representative of any voluntary organisation.

An occasional licence can only last up to a maximum of 14 days.

The holders of a premises licence or a personal licence may make unlimited applications.

There are restrictions on the number of applications a voluntary organisation can make, in any period of 12 months. Guidance is available.

To allow time to consult the Police and for objections to be made, applications should be submitted as far in advance of the event as possible but no later than 28 days before the event is due to take place. Where an application is submitted less than 28 days in advance no guarantee can be given that the application can be processed on time. Late applications will be accepted at the applicant's risk. The board's policy is that 10 weeks should be provided if possible.

The Board considers that activities such as dances, discos and dinner-dances, wedding receptions and parties where a disco or band is provided are generally acceptable for granting an occasional licence. Darts, dominos or pool competitions, karaoke evenings or private parties where there is no significant entertainment are not considered acceptable activities. Where live entertainment is not an integral part of the function, then this would also not be acceptable.

8.2 For applications for licensed hours at times outwith the Board's policy, applicants will require to demonstrate to the Board that the additional requested hours are appropriate in the circumstances.

8.3 Conditions

The Board is aware of the mandatory conditions which are set out both in the Act and in Regulations. The Board will also consider on an individual basis whether it is necessary or expedient to impose additional conditions, to promote one or more of the licensing objectives or otherwise to give effect to the provisions of this policy statement or to the provisions of the Act. The decision whether to impose a condition will be made on an objective basis, taking account of any representations made and any other relevant information available to the Board when considering the application. The Board will seek to avoid the imposition of conditions whose effect upon the operation of the premises is disproportionate to the objective of the condition.