

INVERCLYDE LICENSING BOARD
THURSDAY 10 OCTOBER AT 10.00 A.M.

Present: Provost Moran, Councillors Ahlfeld, Brennan, Campbell-Sturgess, Loughran, McEleny, Shepherd and Wilson.

Chair: Councillor Ahlfeld presided.

In attendance: Mr James Douglas and Fiona Denver (for Clerk to the Board)

Apologies: There were no apologies.

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

LICENSING (SCOTLAND) ACT 2005
REVIEW OF LICENSING POLICY STATEMENT

The Chair addressed the Board and suggested in order to formalise matters to numerically go through the current Policy highlighting any comments made and have discussions at that time.

All Members agreed procedure.

<u>No.</u>	<u>Heading</u>	<u>Comments Received</u>	<u>Decision</u>
1.	Introduction	None	NO AMENDMENTS
2. – 2.1.3	The Licensing Objectives:- Preventing Crime and Disorder; Securing Public Safety; and Preventing Public Nuisance	None	NO AMENDMENTS
2.1.4	The Licensing Objectives:- Protecting and Improving Public Health	NHS	AMEND TO INCLUDE CHILDREN NOT BEING PERMITTED TO SIT <u>AT</u> THE BAR.

Mr Douglas read the comments from NHS in relation to children not being seated next to the bar area; non alcoholic drinks being promoted for benefit of drivers, pregnant women and young people; and licence holders to be aware of effects of alcohol on older persons and take such measures as providing low and non-alcoholic options and smaller measures and glass sizes.

Following discussion Members agreed to amend the Policy with respect to Children not being permitted to sit at the bar and no action on other comments raised.

<u>No.</u>	<u>Heading</u>	<u>Comments Received</u>	<u>Decision</u>
2.1.5	The Licensing Objectives:- Protecting Children from Harm	NHS	NO AMENDMENTS
	<p>Mr Douglas read the comments from NHS in relation to Challenge 25 Policy being promoted, children not being seated next to bar area; and Licensing Forum recommendations on Children and Young Persons be implemented.</p> <p>Following discussion Members took the view that children near bar area had already been decided at previous point and the Children and Young Persons Policy will be considered further on the Agenda and therefore no amendments required at this section.</p>		
3.	Board Business	None	NO AMENDMENTS
4. – 4.1	Premises Licences	None	NO AMENDMENTS
4.2	Premises Licences:- Notification of applications, Objections and Representations	NHS	AMEND TO INCLUDE NHS AS STATUTORY CONSULTEE
	<p>Mr Douglas advised NHS requested to be included in list of consulttees as per legislation being amended.</p> <p>The Board agreed to amend the Policy as per new legislation.</p>		
4.3 – 4.4	Premises Licences:- Consideration of premises licence applications; and Conditions	None	NO AMENDMENTS
5. – 5.1	Management of Premises	Police Scotland	NO AMENDMENTS
	<p>Mr Douglas advised Police Scotland requested the addition of licence holders informing them in advance of any planned events that may have an impact on the locality.</p> <p>There followed a full discussion on the proposal and how it could be adopted in practice and the responsibility remaining with the licence holder to ascertain which events would fall into this area. It was agreed that the matter is too flexible and no action should be taken to amend the Policy.</p>		
5.2	Management of Premises:- Noise	None	NO AMENDMENTS

<u>No.</u>	<u>Heading</u>	<u>Comments Received</u>	<u>Decision</u>
5.3	Management of Premises:- Children and Young Persons on Licensed Premises	NHS, ADP, CHCP and ILF	AMEND TO INCLUDE CONSIDERATION OF CHILDREN/YOUNG PERSONS EVENTS TO BE ALCOHOL FREE EVENTS
<p>Mr Douglas advised all organisations requested significant changes to the Children and Young Persons in Licensed Premises conditions. The majority of the requests refer to the hours children are permitted on the premises.</p> <p>There followed a full discussion on the comments made and in particular to events which are predominantly children/young persons orientated e.g. award ceremonies, sporting events.</p> <p>The Board agreed:-</p> <ul style="list-style-type: none"> (i) to remit to the Clerk to amend the Policy to include such wording as to organisers of children/young persons orientated events may consider these type of events to be alcohol free events; and (ii) No amendment to times children/young persons permitted entry; and (iii) No other changes to be adopted. 			
5.4 – 5.10	Management of Premises:- Disabled Facilities; Condition of Premises; Litter and Waste Management; Smoking; CCTV; Dispersal of Patrons; and Door Supervision	None	NO AMENDMENTS
6. – 6.1	Premises providing Late Night Entertainment	NHS	AMEND TO ADD NIGHTCLUB ENTERTAINMENT PREMISES RECOMMENDED TO USE TOUGHENED GLASS AFTER 11.00 P.M.

Mr Douglas advised NHS requested consideration be given to the use of toughened glass from 11.00 p.m. in all premises; provision of water free of charge at all times; and prevention of the use of drugs on the premises and other matters within their letter.

Following discussion the Board agreed to recommend Nightclub Entertainment Premises use toughened glass after 11.00 p.m. and no other amendments be made to this section.

<u>No.</u>	<u>Heading</u>	<u>Comments Received</u>	<u>Decision</u>
6.2	Premises Providing Late Night Entertainment:- Adult Entertainment	None	NO AMENDMENTS
<p>The Board noted the Scottish Executive are presently carrying out a consultation on Adult Entertainment Premises and Regulations will be publicised when concluded.</p> <p>The Board agreed to remit to the Clerk to provide an update on the progress of the proposed publications.</p>			
7. – 7.2	Licensed Hours and Extended Hours:- Off Sales	None	NO AMENDMENTS
7.3	Licensed Hours and Extended Hours:- On Sales	BPA and John Gaunt & Partners	AMEND TO ADD SUNDAY OPENING TO 11.00 A.M. FOR PREMISES OFFERING SIT DOWN MEALS ONLY
<p>Mr Douglas advised the Beer and Pub Association and John Gaunt and Partners, on behalf of their clients, had requested consideration be given to the opening hour on a Sunday be amended to 11.00 a.m. inline with other authorities.</p> <p>Following discussion Councillor Campbell-Sturgess moved Sunday opening of 11.00 a.m. for those premises offering a sit down meal, no vertical drinking permitted. On a vote all members agreed the motion.</p> <p>Mr Douglas confirmed the amendment of Sunday opening to 11.00 a.m. for those premises offering a sit down meal, no vertical drinking permitted.</p>			
7.4 – 7.6	Licensed Hours and Extended Hours:- Restaurants; Premises offering no significant entertainment facilities; and Premises offering significant entertainment facilities and subject to conditions the Board may impose	BPA	AMEND:- (i) NO SIGNIFICANT ENTERTAINMENT PREMISES – AMEND TERMINAL HOUR ON FRIDAY AND SATURDAY NIGHTS TO 1.30 A.M. and (ii) SIGNIFICANT ENTERTAINMENT PREMISES – AMEND TERMINAL HOUR ON FRIDAY AND SATURDAY NIGHTS TO 3.30 A.M. (BAR TO CLOSE 3.00 A.M.)

<u>No.</u>	<u>Heading</u>	<u>Comments Received</u>	<u>Decision</u>
	<p>Mr Douglas advised the Beer and Pub Association request the Board to consider later opening of those premises not providing “significant entertainment” and the wording “significant entertainment should be removed.</p> <p>There followed a full discussion after which, Councillor McEleny moved that premises offering no significant entertainment the terminal hour be increased on a Friday and Saturday evening to 1.30 a.m. As an amendment Provost Moran moved no change to the existing Policy. On a role call vote, 3 Members (Provost Moran, Councillor Ahlfeld and Brennan) voted for the amendment, 4 Members (Councillor McEleny, Campbell-Sturgess, Shepherd and Wilson) voted for the motion which was declared carried and 1 Member (Councillor Loughran) abstained.</p> <p>Councillor McEleny also moved that premises offering significant entertainment facilities and subject to conditions the Board may impose e.g. Nightclubs the terminal hour be increased on a Friday and Saturday evening to 3.30 a.m. with bar to close at 3.00 a.m. As an amendment Provost Moran moved no change to the existing Policy. On a role call vote, 3 Members (Provost Moran, Councillor Ahlfeld and Brennan) voted for the amendment, 4 Members (Councillor McEleny, Campbell-Sturgess, Shepherd and Wilson) voted for the motion which was declared carried and 1 Member (Councillor Loughran) abstained.</p> <p>Mr Douglas confirmed the decision of the Board:-</p> <ul style="list-style-type: none"> (i) to increase the terminal hour on Friday and Saturday evening to 1.30 a.m. in respect of premises offering no significant entertainment; and (ii) to increase the terminal hour on Friday and Saturday evening to 3.30 a.m. (bar to close 3.00 a.m.) in respect of premises offering significant entertainment e.g. Nightclubs. 		
7.8	Licensed Hours and Extended Hours:- Festive Trading	None	NO AMENDMENTS
7.9	Licensed Hours and Extended Hours:- Curfew	Police Scotland, Mr Cannon	BPA, CONTINUED TO FUTURE MEETING
	<p>Mr Douglas advised Police Scotland recommend the curfew remains in place, the Beer and Pub Association and Mr Cannon, licence holder request the Board to consider removal of curfew.</p> <p>The Board heard Mr Bradley, member of the public in support of the curfew.</p> <p>After discussion the Board agreed to continue consideration of this matter to a future meeting.</p>		
7.10 – 7.11	Licensed Hours and Extended Hours:- Additional Considerations; and Extended Hours Applications	None	NO AMENDMENTS

<u>No.</u>	<u>Heading</u>	<u>Comments Received</u>	<u>Decision</u>
8. – 8.1	Occasional Licences	NHS	CHILDREN AND YOUNG PERSONS MUST BE SUPERVISED BY AN ADULT AT ALL TIMES BE HIGHLIGHTED
<p>Mr Douglas advised that NHS requested Children and Young Persons be supervised at all times as an additional Condition of licence and restrictions applying to standard licensed premises are also applied to occasional licences.</p> <p>The Board noted the comments made and agreed to highlight within the Policy that Children and Young Persons must be supervised by an adult at all times.</p>			
8.2 – 8.3	Occasional Licences:- Occasional Licences; and Conditions	None	NO AMENDMENTS
9. – 9.1	Special Issues – Overprovision and Occupancy Capacity:- Overprovision	Police Scotland, NHS, ADP, BPA, ILF, CHCP, Mr Deegan	CONTINUED TO FUTURE MEETING
<p>Mr Douglas addressed the Board on comments received from the majority of respondents and the varying contents therein. The common opinion indicating an overprovision policy be implemented.</p> <p>The Board discussed at length the variables of locations, type of premises, percentage of display areas etc, the impact of such and the difficulties in assessing the information to provide an accurate, fair and practical Policy.</p> <p>The Board agreed to continue consideration of this matter to a future meeting.</p>			
9.2	Special Issues – Overprovision and Occupancy Capacity:- Occupancy Capacity	BPA	NO AMENDMENTS
<p>Mr Douglas advised the Beer and Pub Association highlighted that occupancy capacity may only be considered for overprovision purposes and requested the removal of this section.</p> <p>After discussion the Board agreed this section should remain for information and no amendment is necessary.</p>			
10. – 12.	Special Issues – Members Clubs; Special Issues – Excluded Premises – Garages; and Personal Licences	None	NO AMENDMENTS

<u>No.</u>	<u>Heading</u>	<u>Comments Received</u>	<u>Decision</u>
13.	Licensing Standards Officers	BPA	NO AMENDMENTS
	<p>Mr Douglas advised the Beer and Pub Association requested Inverclyde Licensing Board adopt the Hampton principles of inspection and enforcement with a less stringent approach.</p> <p>After discussion the Board agreed no amendment to this section.</p>		