

## **WEST DUNBARTONSHIRE LICENSING BOARD**

At a Special Meeting of the West Dunbartonshire Licensing Board held in Committee Room 3, Council Offices, Garshake Road, Dumbarton on Tuesday, 20 October 2015 at 10.00 a.m.

**Present:** Councillors Jim Brown, Gail Casey, Jonathan McColl, John Mooney and Tommy Rainey.

**Attending:** Peter Hissett, Clerk to the Licensing Board; Raymond Lynch, Depute Clerk to the Licensing Board; Lawrence Knighton, Licensing Standards Officer; Carol Ann Anderson, Licensing Assistant; and Nuala Borthwick, Committee Officer, Legal, Democratic and Regulatory Services.

**Apologies:** Apologies for absence were intimated on behalf of Councillors Marie McNair, John Millar and Hazel Sorrell.

**Councillor John Mooney in the Chair**

### **DECLARATIONS OF INTEREST**

It was noted that there were no declarations of interest in any of the items of business on the agenda at this point in the meeting.

### **LICENSING BOARD HEARING PROCEDURE**

A note of the Licensing Board's Hearing Procedure for an Application with Objection(s) or Representation(s) was submitted and noted.

### **CONTINUED APPLICATION FOR A PROVISIONAL PREMISES LICENCE IN TERMS OF THE LICENSING (SCOTLAND) ACT 2005 – HOME BARGAINS, UNIT 7A, 79 LIVINGSTONE STREET, CLYDEBANK RETAIL PARK, CLYDEBANK G81 2XA**

An application was submitted for a Provisional Premises Licence for Home Bargains, Unit 7A, 79 Livingstone Street, Clydebank Retail Park, Clydebank G81 2XA.

Mr Lawrence Knighton Licensing Standards Officer, was heard in respect of the Licensing Standards Officer report.

Mr Russell, Head of Mental Health, Learning Disabilities and Addiction Services, West Dunbartonshire Health & Social Care Partnership was heard in support of the objection to the application and in answer to Members' questions.

Mr David Cook, Mrs Mary McAleer and Mr John Hainey representatives of Linnvale and Drumry Community Council were in attendance in relation to the objection submitted by Linnvale and Drumry Community Council and Mr Cook was heard in support of the objection to the application and in answer to Members' questions.

Mr David Crank, DWF Solicitors accompanied by Mr Michael Cassey, Home Bargains Regional Manager, were in attendance and Mr Crank was heard in support of the application and in answer to Members' questions.

### **ADJOURNMENT**

After hearing the Chair, Councillor Mooney, the Board agreed to adjourn at 11.07 a.m. for a short period of time.

The meeting reconvened at 11.22 a.m. with all Members shown on the sederunt in attendance.

### **DECIDED:-**

Following consideration of all matters before the Board, it was agreed that the application be refused on the following grounds:-

- (1) that the granting of the application would be inconsistent with the licensing objective of protecting and improving public health as detailed in Section 4 of the Licensing (Scotland) Act 2005;
- (2) that, having regard for the Licensing Policy Statement, the applicant was unable to provide robust and reliable evidence to the Board on why the benefit to the licensing objectives through the grant of the application, outweighed the detriment to the licensing objectives, particularly the health objective and accordingly the application was contrary to the Board's Licensing Policy Statement; and
- (3) that an increase in capacity at the premises would be contrary to the Board's Overprovision Policy.

### **APPLICATION FOR A PERSONAL LICENCE IN TERMS OF THE LICENSING (SCOTLAND) ACT 2005**

An application for a Personal Licence was submitted for Miss Samantha Keenan.

Having heard the Clerk to the Licensing Board it was noted that Miss Keenan was not in attendance at the meeting and that it was for the Board to decide whether or

not the application be considered at the meeting or continued to a future meeting to allow Miss Keenan a further opportunity to attend.

**DECIDED:-**

Following consideration of all matters before the Board, it was agreed that the application be continued to a future meeting of the Board to enable Miss Keenan a further opportunity to attend.

**THE GAMBLING ACT 2005: REVIEW OF LICENSING BOARD'S  
STATEMENT OF PRINCIPLES**

A report was submitted by the Clerk to the Licensing Board seeking approval to consult on a review of the Board's Statement of Principles under the Gambling Act 2005.

Having heard both the Clerk and Depute Clerk in answer to Members questions, it was agreed:-

- (1) to approve the terms of the draft Statement of Principles for consultation;
- (2) to authorise the Clerk to the Board to consult the bodies and persons listed in Appendix 1 of the draft Statement of Principles on the terms of the draft in accordance with the Statutory Guidance from the Gambling Commission;
- (3) to note the restraints of the Statutory Guidance and the limited licensing objectives in terms of gambling and request that the Clerk monitor evidence of gambling related harm and report to a future meeting of the Board where the Board may consider a further revisal of its policy in such circumstances;
- (4) to note the recent consultation by the Scottish Parliament in respect of B2 betting machines (fixed odds betting terminals) and that the Board would monitor any further legislative changes arising from this consultation; and
- (5) to submit a further report to the Board at its meeting on 15 December 2015 with a final version of the Statement of Principles for consideration and approval.

The meeting closed at 11.27 a.m.