

WEST DUNBARTONSHIRE LICENSING BOARD

At a Special Meeting of West Dunbartonshire Licensing Board held in Meeting Room 3, Council Offices, Garshake Road, Dumbarton on Wednesday, 7 December 2011 at 2.00 p.m.

Present: Councillors George Black, Jim Brown, Geoff Calvert and Jonathan McColl.

Attending: Andrew Fraser, Clerk to the Licensing Board; Lawrence Knighton, Licensing Standards Officer, Marie McCran, Administrative Assistant and Nuala Borthwick, Committee Officer, Legal, Democratic and Regulatory Services.

Also

Attending: Sergeant George Stewart, Licensing Sergeant, Strathclyde Police.

Apologies: Apologies for absence were intimated on behalf of Councillors Gail Casey, Jim Finn and Ronnie McColl.

Councillor Jim Brown 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.

VARIATION IN ORDER OF BUSINESS

Having heard Councillor Brown, Chair, the Board agreed to vary the order of business as hereinafter minuted to allow the inclusion of a request from Cameron House Limited to amend the Extended Hours Licence which was recently granted by the Clerk to the Licensing Board under delegated powers.

In relation to agenda item 7 entitled, 'Applications for Occasional Licences – Peking Cottage, 556 Glasgow Road, Hardgate, Clydebank'. It was noted that a request had been received from the applicant for the applications to be continued to the next meeting of the Board, given that an objection had since been received from Strathclyde Police objecting to the Occasional Licences.

Having heard the Clerk to the Licensing Board in response, the Board agreed that consideration of the applications would be continued to the next meeting of the Board scheduled to be held on 14 February 2012.

MINIMUM PRICING

A report was submitted by the Clerk to the Licensing Board seeking the Board's views on the draft written evidence to the Scottish Parliament's Health and Sports Committee.

Having heard the Clerk to the Licensing Board in further explanation of the report and in answer to Member's questions, the Board agreed:-

- (1) to approve the draft response attached as an appendix to the report;
- (2) to instruct the Clerk to the Licensing Board to submit the response to the Scottish Government's Health and Sport Committee prior to the deadline of 12 December 2011; and
- (3) to note that the response would be submitted jointly on behalf of West Dunbartonshire Licensing Board, West Dunbartonshire Local Licensing Forum, West Dunbartonshire Council, West Dunbartonshire Community Health and Care Partnership and West Dunbartonshire Alcohol and Drugs Partnership.

APPLICATIONS FOR EXTENDED HOURS OUTWITH THE BOARD'S POLICY – LOMOND PARK HOTEL, BALLOCH ROAD, BALLOCH

With reference to the Board's Policy on Extended Hours, applications for Extended Hours were submitted in respect of Lomond Park Hotel, Balloch requesting extended hours beyond the Board's approved Policy hours for the undernoted dates and times:-

- (a) Sunday, 25 December 2011 – 12 midnight to 2.00 a.m.
- (b) Monday, 26 December 2011 – 12 midnight to 2.00 a.m.
- (c) Sunday, 1 January 2012 – 12 midnight to 2.00 a.m.
- (d) Monday, 2 January 2012 – 12 midnight to 2.00 a.m.

Having heard the Clerk to the Licensing Board in further explanation of the Board's Policy, it was noted:-

- (i) that the applicant, Lomond Park Hotel Limited, were requesting extended hours for the above dates in connection with ticketed events over the festive period; and
- (ii) that Mrs Lorraine Cadona, Proprietor and Ms Catherine Vance, General Manager, were in attendance on behalf of the applicant.

The Board then heard from Ms Vance in support of the applications and in answer to Members' questions concerning the applicant's responsibility to have appropriate measures in place to ensure the smooth running of the pre-ticketed events.

Following discussion, the Board agreed that the applications be granted to 2.00 a.m. on condition that the events were pre-ticketed functions, with last admission at 11.30 p.m.

**APPLICATIONS FOR EXTENDED HOURS OUTWITH THE BOARD'S POLICY –
WATERHOUSE INN, 34 BALLOCH ROAD, BALLOCH**

With reference to the Board's Policy on Extended Hours, an application for Extended Hours was submitted in respect of the above premises for Friday, 30 December from 12.00 Midnight to 2.00 a.m.

Having heard the Clerk to the Licensing Board in further explanation of the Board's Policy, it was noted:-

- (i) that the applicant, Mr Robert Dawson, was requesting extended hours for the above date in connection with a Pre-New Year celebration night; and
- (ii) that the applicant was neither in attendance nor represented at the meeting of the Board.

Following discussion, the Board agreed that the application be granted to 2.00 a.m. on condition that the event was a pre-ticketed function, with last admission at 11.30 p.m.

**APPLICATION FOR AN OCCASIONAL LICENCE –
SUTHERLANDS, 7 BRITANNIA WAY, CLYDEBANK G81 2RZ**

With reference to the Board's Policy on Occasional Licences, an application for an Occasional Licence was submitted in respect of the above premises for Wednesday, 7 December 2011 to Tuesday, 20 December 2011 from 11.00 a.m. to 10.00 p.m.

Having heard the Clerk to the Licensing Board in further explanation, it was noted:-

- (i) that the applicant, Mr John Coake, was in attendance at the meeting;
- (ii) that an application for a Provisional Premises Licence had been lodged for consideration at the meeting of the Licensing Board scheduled to be held on 14 February 2011 and that the public notice period for objections to be lodged in relation to the application had not yet passed; and
- (iii) that it was for the Board to consider whether it was appropriate to grant an occasional licence for a 3 week period prior to consideration of an application for a premises licence.

At the invitation of the Chair, the Board then heard from Mr Coake in support of the application and in answer to questions from Members. In doing so, Mr Coake advised that all the required measures were in place at the premises for the grant of the pending Application for a Provisional Premises Licence and that he was therefore familiar with the Board's Licensing Policy in relation to the responsible sale of alcohol and training of staff, etc. It was noted that the sale of alcohol at the premises would be ancillary to a table meal in line with the Board's Policy.

Thereafter, the Clerk to the Licensing Board was heard in clarification of the purpose of an Occasional Licence. While in exceptional circumstances an occasional licence had been granted for more than one day, in general the purpose of an occasional licence was to cater for occasions, rather than licence the normal operation of licensed premises.

Following discussion, Councillor Calvert, seconded by Councillor Black, moved:-

That the application be granted for a two week period to cover the Christmas period for pre-booked tables only

As an amendment, Councillor Brown, seconded by Councillor J. McColl, moved:-

That the application for an Occasional Licence be refused on the grounds that (i) the Board had not yet had the opportunity to consider the pending application for a Provisional Premises Licence; and (ii) an Occasional Licence was not the appropriate type of licence for the normal operation of licensed premises and to grant would set a dangerous precedent

On a roll call vote being taken, 2 Members voted for the amendment (namely Councillors Black and Calvert) and 2 Members voted for the motion (namely Councillors Brown and J. McColl).

There being an equality of votes, Councillor Brown, Chair used his casting vote in favour of the amendment which was accordingly declared carried.

REQUEST FOR AMENDMENT TO EXTENDED HOURS LICENCE – CAMERON HOUSE HOTEL & COUNTRY ESTATE, LOCH LOMOND

With reference to the Extended Hours Licence granted by the Clerk to the Licensing Board under delegated powers for Cameron House Hotel & Country Estate, Loch Lomond, Members are asked to consider a request from the licence holder, Cameron House Loch Lomond Limited, for a relaxation of a condition attached to the licence.

Having heard the Clerk to the Licensing Board, it was noted:-

- (1) that a terminal hour of 3.00 a.m. had been granted by the Clerk under delegated powers for Hogmanay for a pre-ticketed and organised function

and that the licence was subject to the condition that guests would only be permitted entry up until 11.30 p.m.;

- (2) that the licence holder was requesting that the 11.30 p.m. entrance curfew be waived;
- (3) that the applicant was represented at the meeting by Ms Tracey Mundie, Brunton Miller Solicitors.

The Board then heard from Ms Mundie who advised that the licence holder was requesting that the entrance curfew of 11.30 p.m. be relaxed for residents and their guests of both the hotel and lodges. It was noted that this would enable guests and residents who were resident at the lodges to celebrate New Year then attend the function after midnight.

Following discussion and having heard the Clerk to the Licensing Board in answer to Members' questions, the Board agreed that the condition of the licence concerning the 11.30 p.m. curfew would be curtailed for residents of the hotel and residents of the lodges and their guests only.

ANY OTHER COMPETENT BUSINESS

The Board then heard from the Clerk to the Licensing Board who referred to the Premises Review for Linnvale Licensed Grocers which was considered at the meeting of the Licensing Board held on 25 October 2011 and the subsequent decision of the Board to hold a Hearing to consider the Personal Licence held by Mr Mohammad Afzal, the Designated Premises Manager at Linnvale Licensed Grocers.

The Clerk referred to the discussion concerning the presence of a blank training manual which had been signed by an individual responsible for training at the premises. It was noted that following the Hearing, the Licensing Standards Officer had investigated the circumstances surrounding the blank signed training records held at the premises and had interviewed the Personal Licence Holder responsible for training, who advised that the Designated Premises Manager was responsible for the blank training records. It was therefore noted that this would be included in the grounds for review of the Personal Licence held by Mr Afzal due to be considered at the meeting of the Board held on 14 February 2012.

The meeting closed at 3.00 p.m.