

WEST DUNBARTONSHIRE LICENSING BOARD

At a Meeting of West Dunbartonshire Licensing Board held in the Civic Space,
16 Church Street, Dumbarton on Tuesday 10 September 2019 at 10.00 a.m.

Present: Councillors Jim Brown, Ian Dickson, Diane Docherty, Jonathan McColl and Brian Walker.

Attending: Peter Hessett, Clerk to the Licensing Board; Raymond Lynch, Depute Clerk to the Licensing Board; Robert Mackie, Senior Officer (Licensing Services); Peter Clyde and Lawrence Knighton, Licensing Standards Officers; Carolann Anderson, Licensing Assistant and Nuala Borthwick, Committee Officer.

Also attending: Sergeant Mairi Capaldi and Constable Alison Simpson, Police Scotland.

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

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.

LICENSING BOARD HEARING PROCEDURE

The Licensing Board's Hearing Procedures for the following were submitted for information:-

- (1) an Application for Review of Premises/Personal Licence; and
- (2) an Application with Objection(s)/Representation(s).

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Licensing Board held on Tuesday, 11 June 2019 were submitted and approved as a correct record.

**CONTINUED REVIEW OF PREMISES LICENCE -
BARGAIN STORE, 20 ALCLUTHA AVENUE, DUMBARTON G82 AND
CONTINUED REVIEW OF PERSONAL LICENCE – MR MOHAMMAD YASIN**

With reference to the Minutes of Meetings of the Licensing Board held on 29 August 2018 and 11 December 2018 and in terms of Section 38(1) of the Licensing (Scotland) Act 2005, Members considered the continued Hearing for Review of the Premises Licence for Bargain Store, 20 Alclutha Avenue, Dumbarton G82.

It was noted that the premises licence holder, Mr Mohammed Yasin, was in attendance at the meeting and was represented by Mr Peter Lawson, Miller Samuel Hill Brown Solicitors.

As a preliminary matter and having heard the Clerk to the Licensing Board, it was agreed with Mr Lawson that both the Review of Premises Licence for Bargain Store and the Review of Personal Licence for Mr Mohammed Yasin would be considered in one Hearing given the two distinct matters were linked.

Sergeant Capaldi, Police Scotland was in attendance on behalf of Police Scotland and was heard in relation to the circumstances outlined in the letter from Police Scotland dated 27 August 2019 which had been submitted to Members in advance of the meeting.

Mr Lawrence Knighton, Licensing Standards Officer was heard in respect of both the Licensing Standards Officer's report and a recent inspection visit which had been carried out at the premises and thereafter was also heard in answer to questions from Members and from Mr Lawson.

Mr Lawson was then given the opportunity to address the Board in relation to the circumstances detailed in the letters from Police Scotland relating to the Review of Premises Licence from Police Scotland and in relation to the Procurator Fiscal accepting a 'Not Guilty' plea from Mr Yasin in relation to the sale of alcohol to underage persons. Thereafter Mr Lawson answered questions from Board Members.

ADJOURNMENT

Having heard the Chair, Councillor Brown, the Board agreed to adjourn for a short period of time.

The Board reconvened at 10.41 a.m. with all members listed in the sederunt in attendance.

DECIDED:-

Following consideration of all matters before the Board, it was agreed:-

- (1) in respect of the Review of Premises Licence, the grounds for review of Preventing Crime and Disorder, Securing Public Safety, Preventing Public Nuisance, Protecting and Improving Public Health and Protecting Children from Harm had not been established and that no action be taken; and
- (2) in respect of the Review of Personal Licence held by Mr Yasin, the grounds for review of Preventing Crime and Disorder, Securing Public Safety, Preventing Public Nuisance, Protecting and Improving Public Health and Protecting Children from Harm had not been established and that no action be taken.

APPLICATION FOR PROVISIONAL PREMISES LICENCE

An application for Provisional Premises Licence for 11A Alexander Street, Clydebank G81 1SQ was submitted for consideration.

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

- (a) that the applicant, Mr Lakhbir Singh, was in attendance at the meeting and was represented by Mr Archie MacIver, Brunton Miller Solicitors;
- (b) that a representation had been received from Police Scotland and that Sergeant Capaldi, Licensing Sergeant, Police Scotland, was in attendance at the meeting;
- (c) that an objection had been received from Environmental Health and that Ms Karen O'Dell, Environmental Health Officer, was in attendance at the meeting;
- (d) that a letter of objection had been received from NHS Greater Glasgow and Clyde and that advanced notice had been received that a representative of the Health Board would not be in attendance at the meeting to address the Board on the terms of the letter of objection;
- (e) that Ms Emma Armstrong, an objector to the application and local business owner, was in attendance at the meeting; and
- (f) that a number of objections to the application had been received and had been provided to Members of the Board prior to the meeting.

As a preliminary issue, the Clerk advised that the proposed terminal hour of 1.00 a.m. each day was contrary to the Board's policy hours and thereafter, the applicant agreed to amend the application to the standard licensing hours in terms of the Board's Licensing Policy Statement, as follows:

Sunday to Thursday – 12 midnight
Friday and Saturday – 1.00 a.m.

Having heard the Clerk, the Board heard from Ms O'Dell, Environmental Health Officer in relation to the letter of objection from Environmental Health.

The Board then heard from Sergeant Capaldi in relation to the letter of representation from Police Scotland.

The Board also heard from Ms Armstrong in relation to her letter of objection to the application and thereafter Ms Armstrong answered questions from Members and Mr Maciver.

Mr Maciver was then given the opportunity to address the Board in support of the application.

ADJOURNMENT

Having heard the Chair, Councillor Brown, the Board agreed to adjourn for a short period of time.

The Board reconvened at 12.08 p.m. with all members listed in the sederunt in attendance.

DECIDED:-

Following consideration of all matters before the Board and having heard the Clerk and the Licensing Standards Officer in answer to questions from Members, it was agreed that the amended application be granted subject to:-

- (1) the inclusion of the undernoted conditions:-
 - (i) that only pre-booked events would be permitted at the premises;
 - (ii) that 18th and 21st birthday events would not be permitted at the premises; and
 - (iii) that there be no showing of live football at the premises;
- (2) the amended standard licensing hours as follows:-

Sunday to Thursday – 12 midnight
Friday and Saturday – 1.00 a.m.
- (3) that any future Applications for Extended Hours for the premises would be submitted to the Licensing Board for consideration.

APPLICATION FOR PROVISIONAL PREMISES LICENCE

An application for Provisional Premises Licence for Loch Lomond Brewery, Unit 11, Block 2, Vale of Leven Industrial Estate, Dumbarton G82 3PL was submitted for consideration.

It was noted that Ms Fiona MacEachern, Loch Lomond Brewery Limited was in attendance at the meeting and was represented by Mr Niall Hassard, TLT Solicitors.

Having heard the Clerk to the Licensing Board, it was noted that a letter of objection from Greater Glasgow and Clyde had been submitted in relation to the application. It was also noted that the Clerk had been advised in advance of the meeting that a representative from the Health Board would not in attendance at the meeting to address the Board on the terms of the letter of objection.

The Board then heard from Mr Clyde, Licensing Standards Officer who advised that the application may be considered contrary to the Board's Overprovision Policy however the applicant's intention was to replace the existing capacity of 17.43m² within the applicant's current licence, with a reduced capacity of 7.5m².

Thereafter, the Board heard from Mr Hassard in relation to the application and both he and Ms MacEachern were heard in answer to Members' questions concerning the proposed operation of the licence and future plans for the business.

DECIDED:-

Following consideration of all matters before the Board, it was agreed that the application be granted.

APPLICATION FOR VARIATION OF PREMISES LICENCE

An application for Variation of Premises Licence for Dillichip Stores, 1 Dillichip Terrace, Dumbarton G83 9HZ was submitted for consideration.

The Clerk to the Licensing Board was heard in further explanation of the application and it was noted that the applicant, Mr Zafar Mohammed, was in attendance at the meeting.

DECIDED:-

After consideration, the Board agreed that the application be granted.

APPLICATION FOR VARIATION OF PREMISES LICENCE

An application for Variation of Premises Licence for Iceland Foods, 35/37 Sylvania Way, Clyde Shopping Centre, Clydebank G81 2RR was submitted for consideration.

The Clerk to the Licensing Board was heard in further explanation of the application and it was noted that Mr Niall Hassard, TLT Solicitors, was in attendance at the meeting on behalf of the applicant, Iceland Foods Limited.

DECIDED:-

After consideration, the Board agreed that the application be granted.

Note: Councillor Walker left the meeting during consideration of the undernoted application.

APPLICATION FOR VARIATION OF PREMISES LICENCE

An application for Variation of Premises Licence for Burgh Bar, 117 High Street, Dumbarton G82 1LF was submitted for consideration.

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

- (a) that the applicant Punch Partnership Limited, was represented at the meeting by Mr Niall Hassard, TLT Solicitors who was accompanied by a representative of the applicant, Mr David Woodcock, Designated Premises Manager for the premises;
- (b) that a representation had been received from Police Scotland and that Sergeant Capaldi, Licensing Sergeant, Police Scotland, was in attendance at the meeting;
- (c) that a letter of objection from NHS Greater Glasgow and Clyde had been submitted in relation to the application however there was no representative from the Health Board in attendance at the meeting to address the Board on the terms of the letter of objection; and
- (d) that a letter of objection had been submitted by Mr Paul Smith, representative of Cheers Dumbarton Limited and that Mr Smith was in attendance at the meeting to address the Board on the terms of the letter of objection.

The Board then heard from Mr Peter Clyde, Licensing Standards Officer who advised that the application was contrary to the Board's Statement of Licensing Policy, specifically Part 5, paragraph 25.6, which states that the licensed hours for premises for this type should cease as follows:-

Monday to Wednesday – 1.00 a.m. the following day
Friday and Saturday – 3.00 a.m. the following day

The Board then heard from Sergeant Capaldi in relation to the letter of representation from Police Scotland.

Thereafter, the Board heard from Mr Paul Smith, Cheers Dumbarton Limited, who addressed the Board on the terms of the letter of objection and in answer to a question from a Member of the Board.

At the invitation of the Clerk, Mr Hassard addressed the Board in support of the application and in answer to questions from Members of the Board and from the Clerk and Depute Clerk in relation to possible conditions which the Board may be open to consider should the Board be minded to grant the application.

After discussion and having heard the Clerk in clarification of the proceedings, Councillor McColl, moved:-

That the application be granted subject to the undernoted conditions:-

- (i) that the extended hours would be granted on Friday and Saturday nights only for pre-booked events with the provision of significant entertainment which is in line with the Board's Licensing Policy;
- (ii) that such pre-booked events must be advertised and ticketed with last entry at midnight;
- (iii) that the Board's late opening conditions would apply; and
- (iv) that there would be a 6 month trial period for the change to licensed hours from 1.00 a.m. to 3.00 a.m. on Friday and Saturdays and that a report would be submitted to the Licensing Board following the 6 month trial period to enable the results of the trial to be reviewed by the Board.

As an amendment, Councillor Docherty, moved:-

That the application be refused on the grounds that it is contrary to the Board's Licensing Policy Statement.

On a vote being taken, two Members voted for the motion and two Members voted for the amendment. There being an equality of votes, the Chair used his casting vote in favour of the amendment which was accordingly declared carried.

DECIDED:-

It was agreed that the application be refused on the grounds that it was contrary to the Board's Licensing Policy Statement which was based on the licensing objectives.

CHIEF CONSTABLE'S REPORT TO WEST DUNBARTONSHIRE LICENSING BOARD FOR THE PERIOD 1 APRIL 2018 TO 31 MARCH 2019

A report was submitted by the Chief Constable, Police Scotland providing an annual licensing report in accordance with Section 12(A) of the Licensing (Scotland) Act 2005.

DECIDED:-

Having heard Sergeant Capaldi in further explanation of the report and in answer to Members questions, the Board agreed to note the contents of the Chief Constable's report to the West Dunbartonshire Licensing Board for the period 1 April 2018 to 31 March 2019.

LICENSING BOARD MEETING DATES

A report was submitted by the Clerk to the Licensing Board seeking agreement of proposed changes to future meeting dates of the Licensing Board following changes to the Council and committee timetable.

DECIDED:-

Having heard the Clerk to the Licensing Board, it was agreed that future meetings of the Licensing Board would be held on the undernoted dates:-

- Tuesday, 10 December 2019 at 10.00 a.m. (as previously agreed by the Board)
- Wednesday, 18 March 2020 at 2.00 pm.
- Wednesday, 3 June 2020 at 2.00 p.m.
- Wednesday, 2 September 2020 at 2.00 p.m.

The meeting closed at 1:26 p.m.