

WEST DUNBARTONSHIRE LICENSING BOARD

At a Meeting of the West Dunbartonshire Licensing Board held in Committee Room 3, Council Offices, Garshake Road, Dumbarton on Tuesday, 17 December 2013 at 10.00 a.m.

Present: Councillors Jim Brown, Gail Casey, Michelle McGinty, Marie McNair, John Millar and John Mooney.

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

Apologies: Apologies for absence were intimated on behalf of Councillors Jonathan McColl and Hazel Sorrell.

Councillor John Mooney in the Chair

VARIATION IN THE ORDER OF BUSINESS

The Chair, Councillor Mooney, welcomed everyone present to the meeting and advised that the business would be varied as hereinafter minuted.

DECLARATIONS OF INTEREST

Councillors Casey, McNair and Mooney declared a non-financial interest in the items of business entitled 'Application for Provisional Premises Licence' and 'Application for Variation of a Premises Licence', being members of the West Dunbartonshire Community Health and Care Partnership, given that an objection/representation had been submitted in relation to these applications. All three Members intimated that they would remain in the meeting during consideration of both items of business and would take part in any decisions reached by the Board.

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Licensing Board held on 29 October 2013 were submitted and noted as a correct record subject to the sederunt being amended to record Councillors Casey and McNair in the list of apologies for the meeting only and to it being noted that Councillor Mooney had chaired the meeting.

REVIEW OF LICENSING BOARD HEARING PROCEDURES

The revised Licensing Board's Hearing Procedures for an Application with Objections and Review of a Premises or Personal Licence were considered and approved as correct records.

APPLICATION FOR EXTENDED HOURS – FESTIVE SEASON GLENHEAD TAVERN, DUMBARTON ROAD, DUNTOCHER, CLYDEBANK G81 6HD

With reference to the Board's Policy on Extended Hours, an application for Extended Hours was received in respect of the above premises requesting hours beyond the Board's Policy for extended hours for various dates from Friday, 20 December 2013 to Thursday, 2 January 2014.

Sergeant John Hendry was heard in relation to the objection from Police Scotland and Mrs Wendy O'Donnell, Designated Premises Manager was heard on behalf of the applicant, Punch Partnership Limited. Following consideration of all matters before the Board, the Board agreed to grant the application for Extended Hours.

DECIDED:

The Board agreed to grant the application for Extended Hours.

REVIEW OF PERSONAL LICENCE – MR DAVID CALVERT

With reference to the Minutes of Meeting of the Licensing Board held on 17 September 2013 and in terms of Section 84(3)(a) of the Licensing (Scotland) Act 2005, Members were requested to hold a Hearing to consider the Personal Licence held by Mr David Calvert given the findings of the Licensing Board in relation to the suspension of the Premises Licence for the premises known as Reds Snooker Club, Unit 36, 1st Floor, Sylvania Way South, Clydebank G81 1EA.

Having heard the Chair, Councillor Mooney, it was noted that Mr Calvert was not in attendance and agreed that the Review Hearing would be deferred until the end of the meeting to give Mr Calvert an opportunity to appear in case he was late.

APPLICATION FOR EXTENDED HOURS – FESTIVE SEASON REDS SNOOKER CLUB, UNIT 36, 1ST FLOOR, SYLVANIA WAY SOUTH, CLYDE SHOPPING CENTRE, CLYDEBANK

With reference to the Board's Policy on Extended Hours, an application for Extended Hours was received in respect of the above premises.

Ms Caroline Loudon, Lindsays Solicitors accompanied by Mr Stuart Busby, Director, Reds Snooker Club Limited was heard on behalf of the premises licence holder, Reds Snooker Club Limited. Sergeant John Hendry was heard in relation to the objection from Police Scotland and Mr Peter Clyde, LSO was heard in relation to the LSO report.

Following consideration of all matters before the Board, Councillor Brown moved that the application be refused.

As an amendment, Councillor Miller moved that the application be granted.

On a vote being taken, one member voted for the amendment and five for the motion. The motion was accordingly declared carried.

DECIDED:

The Board agreed to refuse the application for Extended Hours.

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

An application for a Personal Licence was submitted for Mr Sean Mohammed.

In view of the letter of objection from Police Scotland, Sergeant Hendry was heard in relation to the objection submitted. Thereafter, both Mr Mohammed and Sergeant Hendry answered questions from Members.

Thereafter, following consideration of all matters before the Board, it was agreed that the application be refused on the grounds of preventing crime and disorder.

DECIDED:

The Board agreed to refuse the application for a Personal Licence.

**CHIEF CONSTABLE'S REPORT TO
WEST DUNBARTONSHIRE LICENSING BOARD**

A report was submitted by the Chief Constable, Police Scotland providing information on the work carried out by the eight legacy forces under their respective Chief Constables over the year 2012/13 and outlining what steps will be taken in connection with the operation of the Licensing (Scotland) Act 2005 in this current year.

Having heard the Clerk, the Board agreed to note the terms of the report.

**APPLICATIONS FOR PROVISIONAL PREMISES LICENCE IN TERMS OF
THE LICENSING (SCOTLAND) ACT 2005**

An application for Provisional Premises Licence was submitted by Nath Enterprises Limited for the premises at Unit 27, Sylvania Way, Clydebank G81 2RR.

Mr Archie Maciver, Brunton Millar Solicitors accompanied by a representative of the applicant, Mr Ryan Marwaha, was heard on behalf of the applicant.

In view of the letter of objection from West Dunbartonshire Community Health & Care Partnership, Mr John Russell, Head of Mental Health, Learning Disabilities and Addiction Services was heard in relation to the objection submitted.

DECIDED:

Following consideration of all matters before the Board, it was agreed that the application be refused in terms of the Board's policy on overprovision.

**APPLICATION FOR VARIATION OF PREMISES LICENCE IN TERMS OF
THE LICENSING (SCOTLAND) ACT 2005**

An application for Variation of Premises Licence was submitted by Ardoch Management Company Limited for the premises at Ardoch, Gartocharn, Alexandria G83 8ND.

Mr Peter Cockill, Director and Mr Luke Cockill, Ardoch Management Company Limited were in attendance on behalf of the applicant.

It was noted that there were no objections to the application.

DECIDED:

It was agreed that the application be granted.

**APPLICATION FOR VARIATION OF PREMISES LICENCE IN TERMS OF
THE LICENSING (SCOTLAND) ACT 2005**

An application for Variation of Premises Licence for Goals Soccer Centre, Great Western Road, Clydebank G81 2XT was submitted for the premises at Goals Soccer Centre, Great Western Road, Clydebank G81 2XT.

Kevin Cushnahan, General Manager and Christine Martin, Premises Manager were in attendance on behalf of the applicant.

In view of the letter submitted by West Dunbartonshire Community Health & Care Partnership, Mr John Russell, Head of Mental Health, Learning Disabilities and Addiction Services was heard in relation to suggested conditions to be attached to the licence. Having heard the Clerk in clarification, it was noted that the suggested conditions would be enforced in terms of the Board's Policy.

DECIDED:

It was agreed that the application be granted.

**REVIEW OF PREMISES LICENCE –
NON-PAYMENT AND LATE PAYMENT OF ANNUAL FEES**

(a) Villa Romana, 18 Alexander Street, Clydebank G81 1RZ

In terms of Section 37 of the Licensing (Scotland) Act 2005, the Board considered a report by the Licensing Standards Officer providing information on the position concerning the non-payment of annual fees for the above premises.

It was noted that the premises licence for the above premises had been surrendered prior to the meeting of the Board.

(b) Sizzlers, 9 Main Street, Alexandria G83 0ER

In terms of Section 37 of the Licensing (Scotland) Act 2005, the Board considered a report by the Licensing Standards Officer providing information on the position concerning the non-payment of annual fees for the above premises.

It was noted that the licence holder was not in attendance at the meeting.

DECIDED:

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

- (1) to suspend the premises licence until such time as the annual fee is paid by the licence holder; and
- (2) that the Clerk to the Licensing Board be permitted to lift the suspension of the premises licence on payment of the annual fee.

(c) Khaira Grocers, 11a Halkett Crescent, Rosshead, Alexandria G83 0QZ

In terms of Section 37 of the Licensing (Scotland) Act 2005, the Board considered a report by the Licensing Standards Officer providing information on the position concerning the non-payment of annual fees for the above premises.

It was noted that the licence holder, Mr Rajbir Khaira, was in attendance at the meeting and that the annual premises licence fee had now been paid however the premises licence holder had been cited to appear before the Board to explain the fourth occurrence of late payment of annual fees since 2009.

The Board then heard from Mr Khaira who advised that he had now paid the annual fee for the premises and in future would arrange payment with the licensing team.

DECIDED:

Following consideration of all matters before the Board, it was agreed that a warning letter under Section 39(2)(a) would be issued to the premises licence holder advising that next year's payment must be received on time.

THE LICENSING (FEES) (SCOTLAND) REGULATIONS 2007 – VARIATION OF FEES FOR MISCELLANEOUS APPLICATIONS

A report was submitted by the Clerk to the Licensing Board seeking a decision on the variation of fees for miscellaneous applications in terms of the above legislation.

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

- (1) that the proposals with respect to the level of fees to be charged in relation to miscellaneous licensing application be approved with immediate effect as detailed in the appendix to the report; and
- (2) that the fees specified in the appendix may be increased by the Clerk in line with any Council decision to increase its fees and charges.

DECIDED:

- (1) that the proposals with respect to the level of fees to be charged in relation to miscellaneous licensing application be approved with immediate effect as detailed in the appendix to the report; and
- (2) that the fees specified in the appendix may be increased by the Clerk in line with any Council decision to increase its fees and charges.

REVIEW OF PERSONAL LICENCE – MR DAVID CALVERT

Having heard the Chair, Councillor Mooney, it was noted that Mr Calvert was not in attendance and agreed that the Review Hearing would be continued to the next meeting of the Licensing Board scheduled to be held on 11 March 2013.

DECIDED:

The Board agreed that the Review Hearing would be continued to the next meeting of the Licensing Board scheduled to be held on 11 March 2013.

The meeting closed at 12 noon.

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