

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, 10 March 2015 at 10.00 a.m.

Present: Councillors Jim Brown, Michelle McGinty, John Millar and John Mooney.

Attending: Peter Hissett, Clerk to the Licensing Board; Raymond Lynch, Depute Clerk to the Licensing Board; John Stevenson, Section Head, Environmental Health; Pat Hoey, Team Leader, Environmental Health; Peter Clyde and Lawrence Knighton, Licensing Standards Officers; 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 Gail Casey, Jonathan McColl, Marie McNair and Hazel Sorrell.

Councillor John Mooney in the Chair

DECLARATION OF INTEREST

Councillors Mooney declared a non-financial interest in the item of business entitled 'Application for Provisional Premises Licence – 9 Radnor Street, Clydebank', being a member of the West Dunbartonshire Community Health and Care Partnership, given that an objection had been submitted in relation to the applications by a sub-group of the West Dunbartonshire Alcohol and Drug Partnership. Councillor Mooney intimated that he would remain in the meeting during consideration of the item of the 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 16 December 2014 were submitted and approved as a correct record.

LICENSING BOARD HEARING PROCEDURES

A note of the Licensing Board's Hearing Procedures were submitted as undernoted:-

- (a) Procedure for an Application with Objection(s) or Representation(s); and
- (b) Procedure for Review of a Premises or Personal Licence.

**CONTINUED APPLICATION FOR VARIATION OF PREMISES
LICENCE IN TERMS OF THE LICENSING (SCOTLAND) ACT
2005 - CASA ITALIA, 1 MONTROSE STREET, CLYDEBANK G81 2LP**

A continued application for Variation of Premises Licence in respect of Casa Italia, 1 Montrose Street, Clydebank G81 2LP was submitted for consideration.

Ref: WDLBPREM/0268

Name and Address of Premises	Casa Italia, 1 Montrose Street, Clydebank G81 2LG.
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Applicant	Senex Investments Limited, 4 Lynedoch Crescent, Glasgow G3 6EQ.
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It was noted:-

- (a) that Mr Robin Morton, agent, was in attendance on behalf of the applicant and was accompanied by representatives of the applicant, Mr Colin Beattie, Mr Alasdair Moore and Ms Yvonne Latta; and
- (b) that Mr Beck, a local resident, and Councillor Denis Agnew were in attendance on behalf of the objectors to the application.

The Board heard from Mr Morton in support of the application and in relation to progress on the development of a suitable noise control strategy at the above premises. Mr Morton addressed the Board on steps taken to limit noise at the premises as recommended by the applicant's independent Noise Impact Assessors, Robin MacKenzie Partnership, in their progress report dated 5 March 2015, a copy of which was provided to both the Members of the Board and the objectors at the meeting.

Mr John Stevenson, Section Head, and Mr Pat Hoey, Team Leader, Environmental Health, were then heard in support of the recommendations made by the applicant's Noise Impact Assessors and were satisfied that the measures undertaken would be sufficient to avoid noise intrusion to neighbouring properties.

Mr Clyde, LSO, was then heard in relation to the application and advised that if granted, conditions would specify that live entertainment could only occur during pre-booked and ticketed functions at the premises.

Mr Beck, a local resident, was then heard in support of his objection in relation to noise nuisance emanating from the premises.

Councillor Agnew was also heard in support of his objection to the application.

Following consideration of all matters before the Board, Councillor McGinty, moved:-

That the application be granted with the conditions recommended by the LSO and on the provision that a positive outcome is provided by the Council's Environmental Health Team in relation to testing of the noise impact assessment.

LSO recommendations in relation to variation of conditions to which the licence is subject (other than those to which the licence is subject by virtue of Section 27(1)):-

Section 3(a) of application – referring to alteration/deletion of conditions

"Amend to allow patrons attending functions to consume alcohol after meal" – No Comment from LSO.

"Re licence condition 4, amend to allow occasional live music" – LSO recommends that a condition be added limiting this occurrence to only be permissible during a pre-booked or ticketed function.

"Delete licence condition 7 to allow patrons consuming meals in an approved external area to have alcohol as ancillary thereto" – LSO recommends a condition binding the consumption of alcohol outside the premises to the consumption of food.

Section 3(a) of application – referring to variation of the information contained in the operating plan

5(g) – "add live performances" – LSO recommends that a condition be added limiting this occurrence to only be permissible during a pre-booked or ticketed function.

5(c) – "add dance facilities" – LSO recommends that a condition be added limiting this occurrence to only be permissible during a pre-booked or ticketed function.

5(d) – "add outside drinking" – LSO comments as per response in 3 above, recommends a condition binding the consumption of alcohol outside the premises to the consumption of food.

Section 3(c) of application – referring to variation to the layout plan contained in the licence

"Add external area with 4 tables of 4 where patrons consuming meals may have an alcoholic drink as ancillary thereto" – no LSO comment

"Add small area for musicians" – LSO comment as per request to amend condition 4 limiting this occurrence to only be permissible during a pre-booked or ticketed function.

"Show area which can be used for dancing" – LSO recommends that a condition be added limiting this occurrence to only be permissible during a pre-booked or ticketed function.

As an amendment, Councillor Brown, moved:-

That the Board continues the application until a further noise impact assessment is carried out by the Council's Environmental Health Team.

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

Having heard the Clerk to the Licensing Board in clarification of the Board's decision, it was noted that the Board was of the view that if the Council's Noise Impact was positive, there would be no grounds to refuse the application.

DECIDED:

That the application be granted with the conditions recommended by the LSO and on the provision that a positive outcome is provided by the Council's Environmental Health Team in relation to noise impact assessment.

LSO recommendations in relation to variation of conditions to which the licence is subject (other than those to which the licence is subject by virtue of Section 27(1)):-

Section 3(a) of application – referring to alteration/deletion of conditions

“Amend to allow patrons attending functions to consume alcohol after meal” – No Comment from LSO.

“Re licence condition 4, amend to allow occasional live music” – LSO recommends that a condition be added limiting this occurrence to only be permissible during a pre-booked or ticketed function.

“Delete licence condition 7 to allow patrons consuming meals in an approved external area to have alcohol as ancillary thereto” – LSO recommends a condition binding the consumption of alcohol outside the premises to the consumption of food.

Section 3(a) of application – referring to variation of the information contained in the operating plan

5(g) – “add live performances” – LSO recommends that a condition be added limiting this occurrence to only be permissible during a pre-booked or ticketed function.

5(c) – “add dance facilities” – LSO recommends that a condition be added limiting this occurrence to only be permissible during a pre-booked or ticketed function.

5(d) – “add outside drinking” – LSO comments as per response in 3 above, recommends a condition binding the consumption of alcohol outside the premises to the consumption of food.

Section 3(c) of application – referring to variation to the layout plan contained in the licence

“Add external area with 4 tables of 4 where patrons consuming meals may have an alcoholic drink as ancillary thereto” – no LSO comment

“Add small area for musicians” – LSO comment as per request to amend condition 4 limiting this occurrence to only be permissible during a pre-booked or ticketed function.

“Show area which can be used for dancing” – LSO recommends that a condition be added limiting this occurrence to only be permissible during a pre-booked or ticketed function.

APPLICATION FOR PROVISIONAL PREMISES LICENCE IN TERMS OF THE LICENSING (SCOTLAND) ACT 2005 – YOKER ATHLETIC FOOTBALL CLUB, HOLM PARK, 5B CAMPBELL STREET, CLYDEBANK G81 1LU

Having heard the Chair, Councillor Mooney, it was noted that the applicant had requested that the application be continued to a future date to enable the required Section 50 Certificate for planning to be approved.

The Board agreed that the application be continued to the meeting of the Licensing Board scheduled to be held on Tuesday, 16 June 2015.

APPLICATION FOR PROVISIONAL PREMISES LICENCE IN TERMS OF THE LICENSING (SCOTLAND) ACT 2005 – 9 RADNOR STREET, CLYDEBANK G81 3BZ

There was submitted an application for Provisional Premises Licence by the undernoted applicant for the undernoted premises:-

Ref: WDLBPREM/0282

Name and Address of Premises	Off Sales, 9 Radnor Street, Clydebank G81 3BZ
Applicant	Samridhi Limited, 104 High Street, Dumbarton G82 1PQ

Mr Archie Maciver, Brunton Millar Solicitors accompanied by Mr Faqhar, Director, Samridhi Limited, was heard on behalf of the premises licence holder and addressed the Board on the application in terms of the licensing objectives.

Councillor Denis Agnew was then heard in support of his submitted objection.

DECIDED:-

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

- (1) that in terms of Section(5)(c) and (e)(i) of the Act that firstly, that the application would be inconsistent with the one or more of the licensing objectives namely, protecting and improving public health; and

- (2) that having regard to the number and capacity of licensed premises in the locality of Radnor Park, the Board considers that, if the application were to be granted, there would be overprovision of licensed premises in the locality in terms of the Board's Statement of Licensing Policy.

**APPLICATION FOR VARIATION OF PREMISES LICENCE IN TERMS OF THE
LICENSING (SCOTLAND) ACT 2005 – NEWSCLUB, 459 DUMBARTON ROAD,
CLYDEBANK G81 4DT**

An application for Variation of Premises Licence for Newsclub, 459 Dumbarton Road, Clydebank G81 4DT was submitted for consideration.

Ref: WDLBPREM/0054

Name and Address of Premises: Newsclub, 459 Dumbarton Road, Clydebank
G81 4DT

Applicant: Zahid Ahmad, 18 Parkholm Quadrant,
Parkland Meadows, Glasgow G53 7ZH

Mr Zahid, the applicant, was then heard in support of the application.

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

DECIDED:-

That the application be granted.

**APPLICATION FOR VARIATION OF PREMISES LICENCE IN TERMS OF THE
LICENSING (SCOTLAND) ACT 2005 – HORSE & BARGE, 688 DUMBARTON
ROAD, CLYDEBANK G81 4BB**

There was submitted an application for Variation of Premises Licence for Horse & Barge, 688 Dumbarton Road, Clydebank G81 4BB as undernoted:-

Ref: WDLBPREM/0064

Name and Address of Premises Horse and Barge, 688 Dumbarton Road,
Clydebank G81 4BB

Applicant Punch Partnership Ltd, Jubilee House,
Second Avenue, Burton on Trent,
Staffordshire DE14 2WF

Mr Robert Tait, Designated Premises Manager was heard on behalf of the applicant, Punch Partnership Limited. Following consideration of all matters before the Board, it was agreed that the application be granted.

DECIDED:-

That the application be granted.

**APPLICATION FOR VARIATION OF PREMISES LICENCE IN TERMS OF THE
LICENSING (SCOTLAND) ACT 2005 – SPAR STORE, 493 KILBOWIE ROAD,
CLYDEBANK G81 2AX**

There was submitted an application for Variation of Premises Licence for Spar Store, 493 Kilbowie Road, Clydebank G81 2AX as undernoted:-

Ref: WDLBPREM/0118

Name and Address of Premises	Spar Store, 493 Kilbowie Road, Clydebank G81 2AX
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Applicant	Mohammad Khalid, 36 Ladeside Close, Newton Mearns, Glasgow G77 6TZ
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Mr Mohammad Khalid, Premises Licence Holder, was then heard in support of the application.

Following consideration of all matters before the Board, Councillor Mooney, moved:-

That the application be granted.

As an amendment, Councillor Brown, moved:-

That the application be refused on the grounds that an increase in capacity at the premises would be contrary to the Board's Overprovision Policy.

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

DECIDED:

That the application be granted.

**PREMISES REVIEW FOR EASTFIELD BOWLING CLUB,
127 GLASGOW ROAD, DUMBARTON G82 1RQ**

In terms of Section 38(1) of the Licensing (Scotland) Act, the Licensing Board considered an Application for Review of a Premises Licence from the Chief Constable of Police Scotland in respect of the premises known as Eastfield Bowling Club, 127 Glasgow Road, Dumbarton G82 1RQ.

Mr John Duff, Designated Premises Manager and Mr Donald Beck, Club Secretary of Eastfield Bowling Club were heard on behalf of the Premises Licence Holder, Eastfield Bowling Club. Sergeant Quinn was heard on behalf of the Chief Constable, Police Scotland.

After consideration of all matters before the Board, it was agreed to hold that the grounds for preventing crime and disorder had been established.

Mr Beck and Mr Duff were then given the opportunity to address the Board on the issue of remedy at the premises.

After discussion, Councillor McGinty, moved:-

That a written warning letter, under Section 39(2)(a) of the Licensing (Scotland) Act 2005 and in terms of the licensing objective of preventing crime and disorder, be issued to the premises licence holder advising of the serious view that the Board takes of licencees who fail to comply with the law and to encourage a good relationship between the licence holder, the LSOs and Police Scotland to ensure that the premises is compliant with licensing legislation.

Thereafter, as an amendment, Councillor Brown moved:-

That given the circumstances surrounding the breach of legislation, the Board take no action against the licence holder.

On a vote being taken, 2 Members voted for the motion and 2 Members voted for the amendment. There being an equality of votes, Councillor Mooney, Chair used his casting vote in favour of the motion which was accordingly declared carried.

DECIDED:-

That a written warning letter, under Section 39(2)(a) of the Licensing (Scotland) Act 2005 and in terms of the licensing objective of preventing crime and disorder, be issued to the premises licence holder advising of the serious view that the Board takes of licencees who fail to comply with the law and to encourage a good relationship between the licence holder, the LSOs and Police Scotland to ensure that the premises is compliant with licensing legislation.

REVIEW OF PERSONAL LICENCE – MR JOHN DUFF

In terms of Section 83(7) of the Licensing (Scotland) Act 2005, Members were requested to hold a Hearing to consider the Personal Licence held by Mr John Duff.

It was noted:-

- (a) that both the licence holder and a representative of Police Scotland had been invited to attend the meeting in order that a Hearing could take place; and

- (b) that Mr Duff was in attendance at the meeting; and
- (c) that Sergeant Quinn, Licensing Sergeant, was in attendance on behalf of the Chief Constable, Police Scotland.

DECIDED:-

Following consideration of all matters before the Board, it was agreed that no action be taken in relation to Mr Duff's Personal Licence.

**APPLICATION FOR EXTENDED HOURS – MANGO NIGHTCLUB,
70 DUMBARTON ROAD, CLYDEBANK G81 1UG**

With reference to the Board's Policy on Extended Hours, an application for Extended Hours was considered by the Board in respect of the above premises for Sunday, 5 April 2015.

Name and Address of Premises: Club Mango, 70 Dumbarton Road,
Clydebank G81 1UG

Applicant Naseem Akram, 3 Gleddoch View,
Dumbarton G82 4BL

It was noted that the applicant was not in attendance at the meeting.

DECIDED:-

Following discussion, it was agreed that the application be refused.

**CHIEF CONSTABLE'S REPORT TO THE WEST DUNBARTONSHIRE LICENSING
BOARD FOR THE PERIOD 1 APRIL 2013 TO 31 MARCH 2014**

An annual report was submitted by the Chief Constable, Police Scotland for 2013/14 in accordance with Section 12a of the Licensing (Scotland) Act 2005.

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

- (1) to note the positive working relationship with the licensed trade and the co-operative working with LSOs to improve standards in West Dunbartonshire;
- (2) to note the work to address the issue of agent purchase of alcohol for young persons in West Dunbartonshire; and
- (3) to otherwise note the terms of the report.

PROGRESS REPORT ON MEETING THE DUTIES UNDER SCOTLAND SPECIFIC EQUALITY DUTIES FOR 2013-17

A report was submitted by the Clerk to the Licensing Board providing information on actions being taken towards meeting the duties under the Scotland Specific Equality Duties.

Following consideration of all matters before the Board, it was agreed to note the progress made under the current Equality Mainstreaming Report.

The meeting closed at 12.10 p.m.