

West Dunbartonshire Licensing Board

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28 March 2019

SPECIAL MEETING OF WEST DUNBARTONSHIRE LICENSING BOARD:- WEDNESDAY, 10 APRIL 2019

Dear Sir/Madam

Notice is hereby given that a Special Meeting of West Dunbartonshire Licensing Board will be held in The Civic Space, 16 Church Street, Dumbarton at 1.00 p.m. on Wednesday, 10 April 2019. **The pre-meeting for Board Members will be held in the Civic Space commencing at 12.45 p.m.**

The agenda for the meeting is attached. Members are requested to note that the document pack contains confidential information that should not be made available to the press or public.

I shall be obliged if you will advise Nuala Borthwick, Committee Officer (telephone 01389 737594 or email nuala.borthwick@west-dunbarton.gov.uk) if you are unable to attend the meeting.

Yours faithfully

PETER HESSETT

Clerk to the Licensing Board

Distribution:-

Councillor Jim Brown (Chair)
Councillor Ian Dickson
Councillor Diane Docherty
Councillor Marie McNair
Councillor Jonathan McColl
Councillor John Millar
Councillor John Mooney
Councillor Brian Walker

All other Councillors for information

Chief Executive

Date issued: 28 March 2019

LICENSING BOARD - WEDNESDAY, 10 APRIL 2019

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST

Members are invited to declare if they have an interest in any of the items of business on this agenda and the reasons for such declarations.

3 LICENSING BOARD HEARING PROCEDURES 5 – 8

Submit for information the Licensing Board's Hearing Procedures for:-

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

4 REVIEW OF PERSONAL LICENCE – MS ARLENE GRAY 9 - 12

In terms of Section 83(7) of the Licensing (Scotland) Act 2005, Members are requested to hold a hearing to consider the Review of Personal Licence held by Ms Arlene Gray.

In this respect, submit letter from the Chief Constable, Police Scotland.

5 APPLICATION FOR VARIATION OF PREMISES LICENCE 13 - 32

With reference to the Minutes of Meeting of the Licensing Board held on 12 March 2019, submit for consideration application for Variation of Premises Licence for The Duntiglennan, Dumbarton Road, Duntocher, Clydebank G81 6DN.

LICENSING BOARD PROCEDURE NOTE

Licensing Board – Review of Premises/Personal Licence

The steps in the procedure are:-

1. Check who is present – Licence Holder, Agent, Police etc.
2. Check if the Licence Holder has received the letter of complaint from the Police
3. and the report from the Licensing Standards Officer (LSO).
4. Check if there are any preliminary issues.
5. Hear from Police Scotland.
6. Opportunity for the Licence Holder to ask questions to the Police, via the Chair.
7. Opportunity for Board Members and their advisor to ask questions to the Police.
8. Hear from Licensing Standards Officer.
9. Opportunity for the Licence Holder to ask questions to the LSO, via the Chair.
10. Opportunity for Board Members and their advisor to ask questions to the LSO.
11. Opportunity for Licence Holder to address the Board.
12. Board Members and their advisor may ask questions to the Licence Holder.
13. Board Members may ask questions of any party present.
14. The LSO, followed by Police Scotland and thereafter the applicant to be given an opportunity to sum up. No new material should be introduced at this stage.
15. Board debates and decides what to do.
(Note – if the Board moves to suspend the licence, it does not decide the period of suspension at this point.)
16. If the Board has decided to suspend the licence, the Licence Holder has an opportunity to address the Board on the period of suspension.
17. The Board decides on the period of suspension.

LICENSING BOARD PROCEDURE NOTE

Applications with Objection(s)/Representation(s) in terms of Section 22 of the Licensing (Scotland) Act 2005

The steps in the procedure are:-

1. Check whether applicant and/or agent and objectors are present. If there are a large number of objectors, a signing in sheet might be circulated around them.
2. If there are a large number of objectors, check who wants to speak. Advise them that all relevant and competent objections already submitted in writing will be fully considered. Also advise them that the Board is keen to avoid duplication of submissions. Invite objectors to appoint a spokesperson or spokespersons who can cover all of their objections.
3. Ask the applicant if there are any preliminary issues. This is the applicant's opportunity to object to objections. It is for the Board to decide whether an objection is vexatious or frivolous. The objector whose objection is being challenged should be asked for their comments.
4. Hear from Licensing Standards Officer and hear from Environmental Health and Planning if required.
5. Opportunity for applicant, then objectors, followed by Board Members and their advisor to put questions to LSO and any other party as above.
6. Hear from objectors in turn.
7. Opportunity for applicant to ask questions of objectors through the Chair, followed by questions from Board Members and their advisor.

8. Hear from applicant or agent.
9. Opportunity for objectors to put questions to applicant through Chair, followed by questions from Board Members and their advisor.
10. The LSO, any objectors and thereafter the applicant to be given an opportunity to sum up. No new material should be introduced at this stage.
11. Debate followed by decision.

NOTE – if there are any issues which the Board is concerned about (particularly issues which might result in a refusal) the Board should invited the applicant to address them on these issues.

REVIEW OF PERSONAL LICENCE

Personal Licence Holder: **ARLENE GRAY**

The following document relating to the Review of Personal Licence for the above personal licence holder is included as an appendix as detailed below:-

<u>List of Production(s)</u>	<u>Page(s)</u>
Appendix 1 - Letter from Police Scotland requesting a Review of Personal Licence	Pages 11 - 12

PLEASE NOTE THAT CONFIDENTIAL PAGES HAVE BEEN REMOVED

ITEM 5 – APPLICATION FOR VARIATION OF PREMISES LICENCE

Premises: The Duntiglennan, Dumbarton Road, Duntocher, Clydebank G81 6DN.

Applicant: Hill Brown Licensing, in respect of DCSC Management Limited.

The following documents relating to the application are included as appendices as detailed below:-

<u>List of Productions</u>		<u>Page (s)</u>
Appendix 1	Details of proposed application and consultee responses	Pages 15 - 16
Appendix 2	Application Form (with detailed Operating Plans)	Pages 1 - 29
Appendix 3	Objection from Police Scotland	Pages 31 - 32

THE LICENSING (SCOTLAND) ACT 2005

Application for Variation of Premises Licences

Objection

Ref: WDLBPREM/0132

Name and Address of Premises: The Duntiglenan Bar, Dumbarton Road, Duntocher, Clydebank, G81 6DN

Applicant/Licence Holder: Hill Brown Licensing, in respect of DCSC Management Limited.

Type of Premises: On and Off Sales.

Proposed Application: In the Operating Plan, Question 5d is amended to include outdoor drinking, and an outdoor seating area measuring 10.718m² (wide) by 1.172m² (high) is proposed.

Police Authority Comments: Objection.

Licensing Standards Comments: Board Members are directed to Paragraph 18.12 of the Statement of Licensing Policy;

Where the proposed outdoor area is situated in a public footway, the Licensing Board will require applicants applying for such an area to have obtained consent from the Council's Roads Services under Section 59 of the Roads (Scotland) Act 1984. The Licensing Board expects that Premises Licence Holders will comply with all conditions which may be attached to that consent. Section 59 consent will require to be submitted along with any application which includes an outdoor area situated on a public footway.

Such outdoor areas should only be used for the consumption of alcohol by those seated in the area – no external "vertical drinking" should take place on a public footway.

Fire Authority Comments: No comments received.

Regulatory Services Comments: No comment.

Community Council Comments: No comments received.

Health Board Comments: No comments received.

Access Panel: No comments received.

Additional Comments: Section 59 consent application has been lodged with Roads Department.

Planning Consent has been granted to permit the use of outdoor seating between the hours of 11 a.m. and 9 p.m.

Section 50 Certificates: Not required.

Decision:

WEST DUNBARTONSHIRE LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

APPLICATION FOR VARIATION OF PREMISES LICENCE

If you are completing this form by hand, please write legibly in block capitals using ink.

SECTION 1: APPLICANT INFORMATION

1(a) Name, address, postcode and premises licence number of premises.

The Duntiglennan Bar
Dumbarton Road
Duntocher
Clydebank

Post Code **G81 6DN**

Premises Licence Ref. No. **WDLBPREM/0132**

1(b) Please provide full name, address, postcode, telephone number and e-mail address of applicant.

DCSC Management Limited

Post Code

Telephone
No.

E-mail
address

SECTION 2: MINOR VARIATIONS

2(a) Do you consider the proposed variation to be a minor variation? YES ☐ NO ☒

(If the answer is YES, please complete the rest of Section 2. If NO, please go to Section 3)

2(b) Do you propose a variation to the layout plan which is not inconsistent with the operating plan for the Premises?

YES ☐ NO ☒

(If the answer is YES, please give details of the proposed variation below)

2(c) Do you propose to restrict the terms on which children and young persons are admitted to the premises?

YES ☐ NO ☒

(If the answer is YES, please give details of the proposed variation below)

2(d) Do you propose to vary the information contained in the licence relating to the premises manager, including variation to substitute a new premises manager?

YES ☐ NO ☒

(If the answer is YES, please complete Section 4 below)

2(e) Do you propose any other variation as prescribed by Section 29(6)(d) of the 2005 Act?

YES ☐ NO ☒

(If the answer is YES, please give details of the proposed variation below)

SECTION 3: OTHER VARIATIONS

3(a) Do you propose a variation to any of the conditions to which the licence is subject (other than those to which the licence is subject by virtue of Section 27(1))?

YES ☐ NO ☒

(If the answer is YES, please give details of the proposed variation below)

3(b) Do you propose to vary any of the information contained in the operating plan contained in the licence?

YES ☒ NO ☐

(If the answer is YES, please give details of the proposed variation below)

Question 5d is amended to include outdoor drinking .

3(c) Do you propose a variation to the layout plan contained in the licence?

YES ☒ NO ☐

(If the answer is YES, please give details of the proposed variation below)

Outside seating area measuring 10.718m² (wide) by 1.172m² (high) = 12.561m²

YES ☐ **NO** ☒

Reference Number of Personal Licence	

Name and telephone number:	

Telephone No.	

4(b) Date and place of birth

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4(c) Contact address, including postcode

Postcode	

4(d) Email address

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4(e) Details of Personal Licence held by Proposed Premises Manager

Date of issue	Name of Licensing Board issuing	Reference Number of Personal Licence

(Please enclose a photostat copy of the Personal Licence if it was not issued by West Dunbartonshire Licensing Board).

4(f) Is the variation to substitute a new Premises Manager to take effect during the application period?

YES ☐ NO ☐

(If the answer is **NO**, please provide the proposed date from which the variation is to take effect).

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DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

(If signing on behalf of the applicant please state in what capacity.)

I confirm that the above information is true to the best of my knowledge and belief.

The application is made by

Signature

.... (See Note 1 below)

Date

Capacity AGE

If agent, please provide name, address, telephone number and email address:

Peter J Lawson

.....

.....

I have enclosed the relevant documents with this application – please tick the relevant boxes

Premises Licence (See Note 2)	x
Operating Plan (see Note 3)	x
Layout Plans (see Note 3)	x
Planning certificate (See Note 4)	
Building standards certificate (See Note 4)	
Food hygiene certificate (See Note 4)	
Copy of Personal Licence	

Notes

Note 1:

Data Protection Act 1998

The information in this form will be used to update the relevant Premises Licence. Accordingly, the information contained in this form may be held on an electronic public register which may be available to members of the public on request.

Note 2:

The application must be accompanied by the Premises Licence to which the application relates, or if that is not practicable, a statement of the reasons for failure to produce the licence.

Note 3:

Where the proposed variation affects the current operating plan, please submit an operating plan including the proposed variations. Where the proposed variation affects the current layout plan, please submit 6 sets of plans showing the proposed new layout of the premises.

Note 4:

Applicants for variations involving structural alterations should submit the relevant Section 50 certificates with their application.

Data Protection Act 1998

The information in this form will be used to update the relevant Premises Licence. Accordingly, the information contained in this form may be held on an electronic public register which may be available to members of the public on request.

OPERATING PLAN

Licensing (Scotland) Act 2005, section 20(2)(b)(i)

Question 1

STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

1(a) Will alcohol be sold for consumption solely ON the premises?	NO
1(b) Will alcohol be sold for consumption solely OFF the premises?	NO
1(c) Will alcohol be sold for consumption both ON and OFF the premises?	YES
*Delete as appropriate	

Question 2

STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION ON PREMISES

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11.00am	12 midnight
<i>Tuesday</i>	11.00am	12 midnight
<i>Wednesday</i>	11.00am	12 midnight
<i>Thursday</i>	11.00am	12 midnight
<i>Friday</i>	11.00am	1.00am
<i>Saturday</i>	11.00am	1.00am
<i>Sunday</i>	11.00am	12 midnight

Question 3

STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION OFF PREMISES

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11.00am	10.00pm
<i>Tuesday</i>	11.00am	10.00pm
<i>Wednesday</i>	11.00am	10.00pm
<i>Thursday</i>	11.00am	10.00pm
<i>Friday</i>	11.00am	10.00pm
<i>Saturday</i>	11.00am	10.00pm
<i>Sunday</i>	11.00am	10.00pm

Question 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	YES
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****If YES – provide details***

The premises will operate additional hours for the sale of alcohol in conformity with the West Dunbartonshire Licensing Board's declared policy on festive extensions.

The premises will operate any additional core hours granted by the Board under their authority contained in Section 67 of the Licensing (Scotland) Act 2005.

Any additional hours sought outwith such grants shall be applied for by the way of separate application for occasional licences under Section 56 or for extended hours under Section 68 of the Licensing (Scotland) Act 2005.

Question 5

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

COL. 1 <i>5(a)</i> Activity	COL. 2 <i>Please confirm</i> YES/NO	COL. 3 <i>To be provided during core licensed hours – please confirm</i> YES/NO	COL. 4 <i>Where activities are also to be provided outwith core licensed hours please confirm</i> YES/NO
<i>Accommodation</i>	NO	N/A	N/A
<i>Conference facilities</i>	YES	YES	YES
<i>Restaurant facilities</i>	YES	YES	YES
<i>Bar meals</i>	YES	YES	YES
5(b) Activity <i>Social functions including:</i>	<i>Please confirm</i> YES/NO	<i>To be provided during core licensed hours – please confirm</i> YES/NO	<i>Where activities are also to be provided outwith core licensed hours please confirm</i> YES/NO
<i>Receptions including Weddings, funerals, birthdays, retirements etc.</i>	YES	YES	YES
<i>Club or other group meetings etc.</i>	YES	YES	YES
5(c) Activity <i>Entertainment including:</i>	<i>Please confirm</i> YES/NO	<i>To be provided during core licensed hours – please confirm</i> YES/NO	<i>Where activities are also to be provided outwith core licensed hours please confirm</i> YES/NO
<i>Recorded music – see 5(g)</i>	YES	YES	YES
<i>Live performances – see 5(g)</i>	YES	YES	NO
<i>Dance facilities</i>	YES	YES	NO
<i>Theatre</i>	NO	NO	NO

<i>Films</i>	NO	NO	NO
<i>Gaming</i>	YES	YES	NO
<i>Indoor/outdoor sports</i>	YES	YES	NO
<i>Televised sport</i>	YES	YES	YES
5(d) <i>Activity</i>	<i>Please confirm</i> <i>YES/NO</i>	To be provided during core licensed hours – please confirm <i>YES/NO</i>	Where activities are also to be provided outwith core licensed hours please confirm <i>YES/NO</i>
<i>Outdoor drinking facilities</i>	YES	YES	YES
5(e) <i>Activity</i>	<i>Please confirm</i> <i>YES/NO</i>	To be provided during core licensed hours – please confirm <i>YES/NO</i>	Where activities are also to be provided outwith core licensed hours please confirm <i>YES/NO</i>
<i>Adult entertainment</i>	NO	NO	NO

Where you have answered YES in respect of any entry in column 4 above, please provide further details below.

The premises may open prior to the commencement of core hours for the provision and service of food and non-alcoholic refreshments for pre-arranged guests attending meetings, functions and events within the pub from 9.00am until 11.00am on each weekday and until 11.00am on Sunday. No alcohol shall be supplied outwith core licensing hours except where otherwise permitted by way of separate permission.

5(f) any other activities

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.

Quiz nights, race nights, comedians, karaoke, psychic sessions and jamming sessions.

5(g) Late night premises opening after 1.00am

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?	NO
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When fully occupied, are there likely to be more customers standing than seated?	YES
*Delete as appropriate	

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

6(a)	When alcohol is being sold for consumption on the premises will children or young persons be allowed entry	YES
	*Delete as appropriate	

6(b) Where the answer to 6(a) is YES provide statement of the TERMS under which they will be allowed entry.

Children and young persons shall be permitted access to the premises when accompanied by an adult for consumption of a meal (including a light meal) or for attending at a pre-arranged meeting, function or event at the premises.

6(c) Provide statement regarding the *AGES* of children or young persons to be allowed entry

Children and young persons aged 0-17 years.

6(d) Provide statement regarding the *TIMES* during which children and young persons will be allowed entry

Children and young persons shall be permitted access to the premises from 9.00am to 10.00pm each day. Children and young persons shall be permitted access after 10pm when attending a pre-booked function or event at the premises until the end of such function or event provided that they are accompanied by an adult.

6(e) Provide statement regarding the *PARTS* of the premises to which children and young persons will be allowed entry

All public parts of the premises.

Question 7

CAPACITY OF PREMISES

What is the proposed capacity of the premises to which this application relates?

ON-SALES: 190 persons

OFF-SALES:

Gantry Display Area Lounge: 3.4 metres (wide) x 1.7 metres (high) = 5.8m²

Gantry Display Area Bar: 4.0 metres (wide) x 1.7 metres (high) = 6.8m²

TOTAL: 12.6m²

Question 8

PREMISES MANAGER (NOTE: not required where application is for grant of provisional premises licence)

Personal details

8(a) *Name*

Mary Frances Gow

8(b) *Date of birth*

[REDACTED]

8(c) *Contact address*

[REDACTED]

8(d) Email address

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8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
17 th May 2013	West Dunbartonshire	WD/0820

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

If signing on behalf of the applicant please state in what capacity.

The contents of this operating plan are true to the best of my knowledge and belief.

Signature * (see note below)

Date 9th November 2018

Capacity AGENT

Telephone number and email address of signatory

*** Data Protection Act 1998**

The information on this form may be held on an electronic public register which may be available to members of the public on request.

Contact Us:

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