

West Dunbartonshire Licensing Board

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5 March 2020

MEETING OF WEST DUNBARTONSHIRE LICENSING BOARD:- WEDNESDAY, 18 MARCH 2020

Dear Sir/Madam

Notice is hereby given that a Meeting of West Dunbartonshire Licensing Board will be held in The Civic Space, 16 Church Street, Dumbarton at 2.00 p.m. on Wednesday, 18 March 2020. **The pre-meeting for Board Members will be held in The Civic Space commencing at 1.45 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 Brian Walker

All other Councillors for information

Chief Executive

LICENSING BOARD - WEDNESDAY, 18 MARCH 2020

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 PROCEDURE 5 – 8

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

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

4 MINUTES OF PREVIOUS MEETING 9 – 12

Submit for approval as correct record, Minutes of Meeting of the Licensing Board held on 10 December 2019.

5 CONTINUED REVIEW OF PREMISES LICENCE 13 - 19

With reference to the Minutes of Meeting of the Licensing Board held on 10 December 2019 and in terms of Section 36 of the Licensing (Scotland) Act 2005, Members are requested to hold a hearing to consider the Review of Premises Licence for Haveli's Buffet Restaurant, 127 College Street, Dumbarton G82 1NH.

6 APPLICATION FOR VARIATION OF PREMISES LICENCE 21 - 41

Submit for consideration, application for Variation of Premises Licence for Chandlers, 2 Kilbowie Road, Clydebank G81 1TH.

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.

WEST DUNBARTONSHIRE LICENSING BOARD

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

Present: Councillors Jim Brown, Ian Dickson, Diane Docherty, Marie McNair, John Millar and Brian Walker.

Attending: Peter Hessett, Clerk to the Licensing Board; Raymond Lynch, Depute Clerk to the Licensing Board; Peter Clyde, Licensing Standards Officer; Marie Grant, Licensing Assistant and Nuala Borthwick, Committee Officer.

Also attending: Sergeant Wendy Maginnis, Police Scotland.

Apology: An apology for absence was intimated on behalf of Councillor Jonathan 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.

LICENSING BOARD HEARING PROCEDURES

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

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

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Licensing Board held on Tuesday, 10 September 2019 were submitted and approved as a correct record.

VARIATION IN THE ORDER OF BUSINESS

Having heard the Clerk, the Board agreed to vary the business as hereinafter minuted.

APPLICATION FOR VARIATION OF PREMISES LICENCE

An application for Variation of Premises Licence for Iceland, 66 Bank Street, Alexandria G83 0NH was submitted for consideration.

It was noted that Mr Niall Hassard, TLT Solicitors was in attendance on behalf of the applicant, Iceland Foods Limited.

Mr Hassard addressed the Board in support of the application and thereafter Mr Hassard answered questions from Members concerning the due diligence measures in relation to the home delivery of alcohol.

DECIDED:-

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

REVIEW OF PREMISES LICENCE

In terms of Section 38(1) of the Licensing (Scotland) Act 2005, Members considered the Review of Premises Licence for Haveli's Buffet Restaurant, 127 College Street, Dumbarton G82 1NH.

Having heard the Clerk to the Licensing Board, it was noted that the premises licence holder, Mr Santokh Singh was in attendance at the meeting and was represented at the meeting by Mr Macdonald, Macdonald Licensing. Thereafter, Mr Macdonald made a request to the Board for the application to be continued until after the outcome of the pending criminal proceedings against Mr Singh. Mr MacDonald also outlined a preliminary submission on the competence of the Review.

DECIDED:-

After consideration, the Board agreed that the Review Hearing be continued to the next meeting of the Licensing Board being held on Wednesday, 18 March 2020 at 2.00 p.m. in the Civic Space, Council Offices, Dumbarton G82 1QL.

APPLICATION FOR VARIATION OF PREMISES LICENCE

An application for Variation of Premises Licence for Tesco Express, 10 Rockbank Place, Hardgate, Clydebank G81 5NZ was submitted for consideration.

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

- (a) that the applicant Tesco Stores Limited, was represented at the meeting by Ms Francesca Ennis, Pinsent Masons Solicitors who was accompanied by a representative of the applicant, Mr Oliver Morgan, Regional Manager, Tesco Stores Limited; and
- (b) 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.

The Board then heard from Mr Peter Clyde, Licensing Standards Officer who advised that the application may be contrary to the Board's Statement of Licensing Policy, specifically Part 4 – Overprovision and that the combined capacity of premises of a similar type within the same locality as the subject premises was 124.51m². This combined capacity included the current capacity of the subject premises, which is 20 m². The capacity of this location had remained unchanged since 2018 when the Board had considered its Licensing Policy Statement.

Thereafter, Ms Ennis addressed the Board in relation to the application and a document pack in support of the application was distributed to members of the Board. Ms Ennis was then heard in answer to Members' questions and in response to the letter of objection from NHS Greater Glasgow and Clyde.

ADJOURNMENT

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

The Board reconvened at 11.08 a.m. with all Members listed on the sederunt in attendance.

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

That the application be granted.

As an amendment, Councillor Ian Dickson, moved:-

That the application be refused.

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

DECIDED:-

It was agreed that the application be granted.

APPLICATION FOR EXTENDED HOURS

An application for Extended Hours for The Lounge by the Clyde, 1-3 & 6 Chalmers Street, Clydebank G81 1RT was submitted for consideration for Tuesday, 24 December 2019.

Mr Colin May, Operation Manager, KG Contracts Limited was in attendance on behalf of the applicant and was heard in support of the application. It was noted that there were no adverse comments from the Licensing Standards Officers in respect of the proposed event.

DECIDED:-

Following consideration, it was agreed that the application be granted.

The meeting closed at 11.23 a.m.

REVIEW OF PREMISES LICENCE

Premises: **HAVELI'S, 127 COLLEGE WAY, DUMBARTON G82 1NH.**

The following document(s) relating to the Review of Premises Licence for the above premises are included as appendices as detailed below:-

<u>List of Production(s)</u>	<u>Page(s)</u>
Appendix 1 - Letter dated 18 November 2019 from Police Scotland requesting a Review of Premises Licence	Pages 15 - 16
Appendix 2 – Report from Licensing Standards Officer	Pages 17 – 19

PLEASE NOTE THAT CONFIDENTIAL PAGES HAVE BEEN REMOVED

ITEM 6 – APPLICATION FOR VARIATION OF PREMISES LICENCE

Premises: Chandlers, 2 Kilbowie Road, Clydebank G81 1TH.

Applicant: John Gaunt Solicitors, in respect of Trust Inns 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	Page 23 - 24
Appendix 2	Application Form (with detailed Operating Plans)	Pages 25 - 38
Appendix 3	Representation from Police Scotland	Page 39
Appendix 4	Layout Plan	Page 41

THE LICENSING (SCOTLAND) ACT 2005

Application for Variation of Premises Licences

Representation

Ref: WDLBPREM/0137

Name and Address of Premises:	Chandlers, 2 Kilbowie Road, Clydebank G81 1TH
Applicant/Licence Holder:	John Gaunt Solicitors, in respect of Trust Inns Limited
Type of Premises:	Both
Proposed Application:	<p>To change the terminal hour for the sale of alcohol for consumption on Sundays from 12.30pm to 11am.</p> <p>To amend the Operating Plan in order to permit "Outdoor drinking facilities" as an activity permitted on the premises.</p> <p>To submit revised layout plans of the site including the new proposed external drinking area.</p>
Police Authority Comments:	Representation.
Licensing Standards Comments:	The Licensing Standards Officer is supportive of Police Scotland's suggested licence condition relating to the proposed outdoor drinking area not being utilised when certain events are taking place.
Fire Authority Comments:	No comment received.
Regulatory Services Comments:	Environmental Health - no comments.
Community Council Comments:	No comment received.
Health Board Comments:	No comments.
Access Panel:	No comment received.
Additional Comments:	

Section 50 Certificates:

Not required.

Decision:

The Application can be accessed here or by following the undernoted link:-

<http://www.west-dunbarton.gov.uk/business/licences-permits-and-permissions/alcohol-licences/licences-list-of-current-applications/>

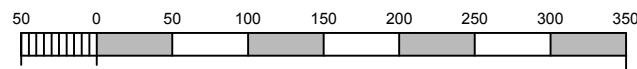
PLEASE NOTE THAT CONFIDENTIAL PAGES HAVE BEEN REMOVED

Other land owned by Trust Inns Ltd.

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LOCATION PLAN



All activities detailed at question 5 of the operating plan pertaining to these premises will take place in the public areas of the premises.

Children and young persons have access to all public parts of the premises on the basis as set out in answers to question 6 of the operating plan pertaining to these premises.

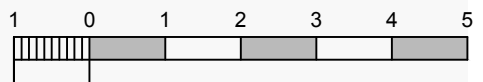
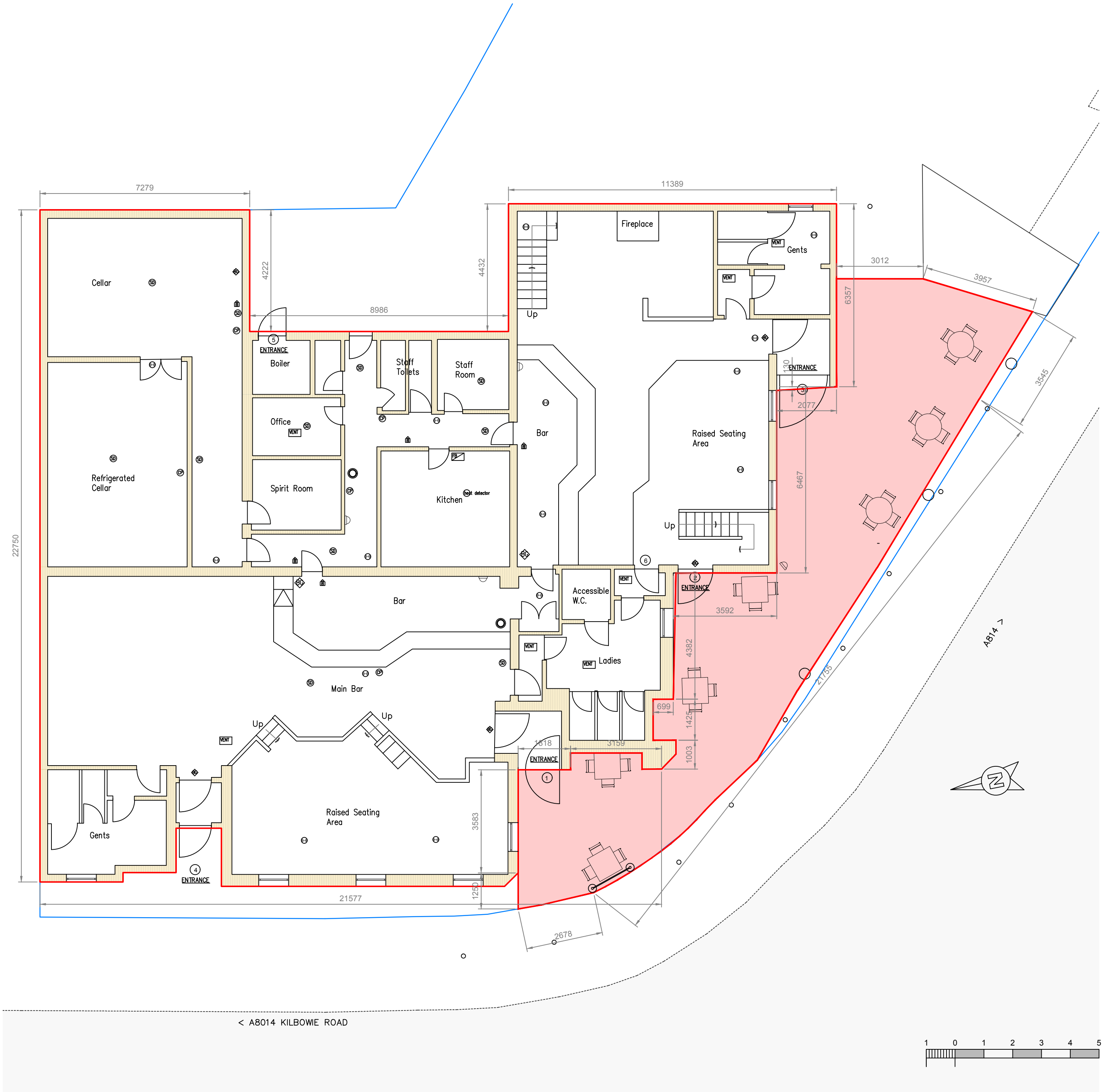
This plan is intended to comply with the requirements of The Licensing (Scotland) Act 2005 and The Premises License (Scotland) Regulations 2007/SI2007/452. Any additional information provided on these plans out with which is required in respect of the legislation and regulation referred to is for information only and should not be taken to form part of the layout plan or any other purpose.

Emergency exit route

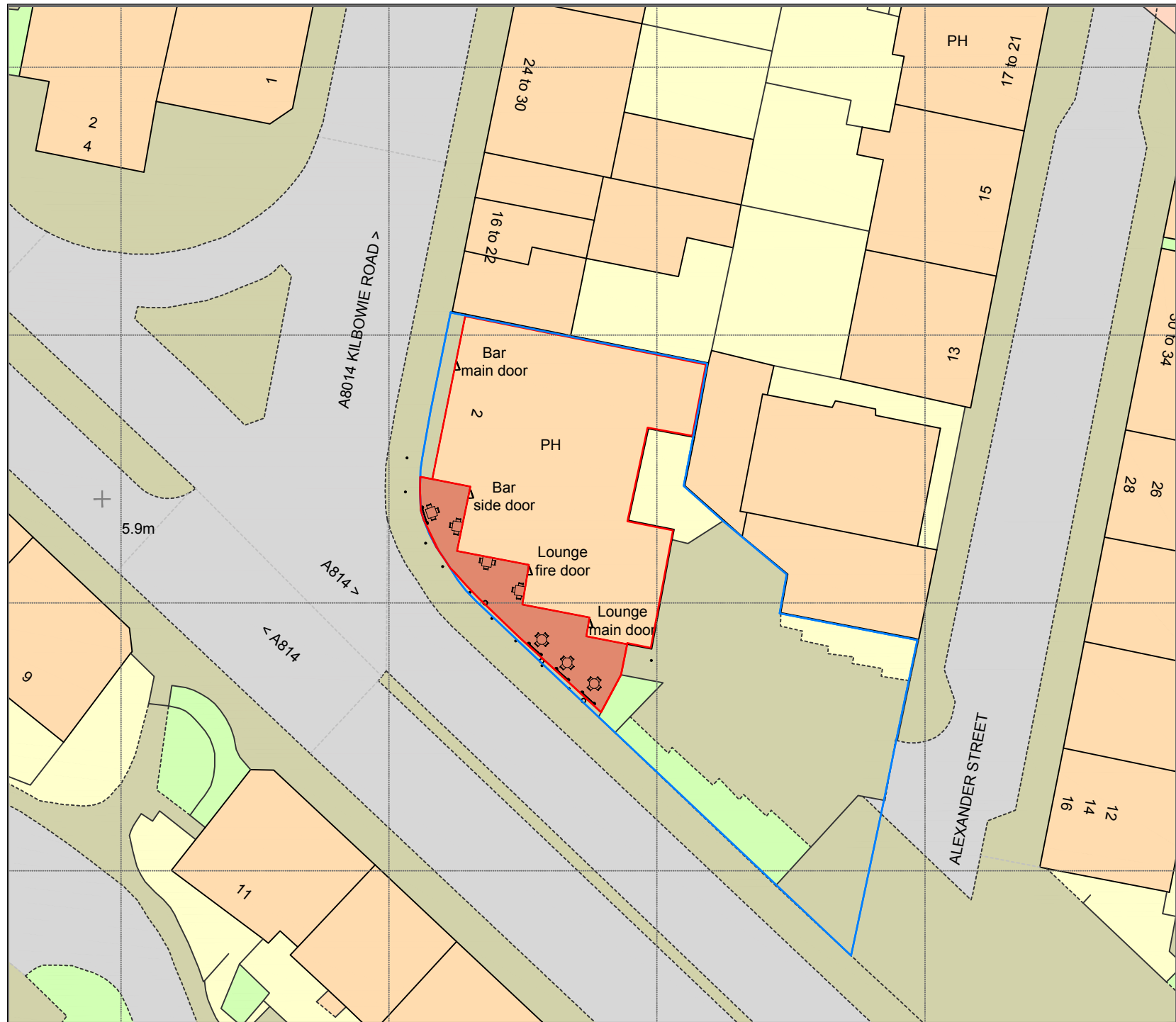
1. 990mm Clear
2. 1090mm Clear with push bar
3. 2097mm Clear
4. 1000mm Clear
5. 800mm Clear
6. 845mm Clear

Area of alcohol display 27.13m²
Occupant capacity 299 persons

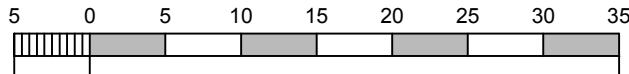
Symbol	Description
	6Ltr Dry Fire Extinguisher.
	9Ltr Water Fire Extinguisher.
	2Kg Co2 Fire Extinguisher.
	Emergency Lighting Point 3hr Maintained.
	Fire Blanket.
	Fire Exit Sign with Arrow.
	Fire Alarm Sounder.
	Fire Alarm Call Point.
	CCTV Camera
	Break Glass Call Point
	Ventilation Unit
	Smoke Detector



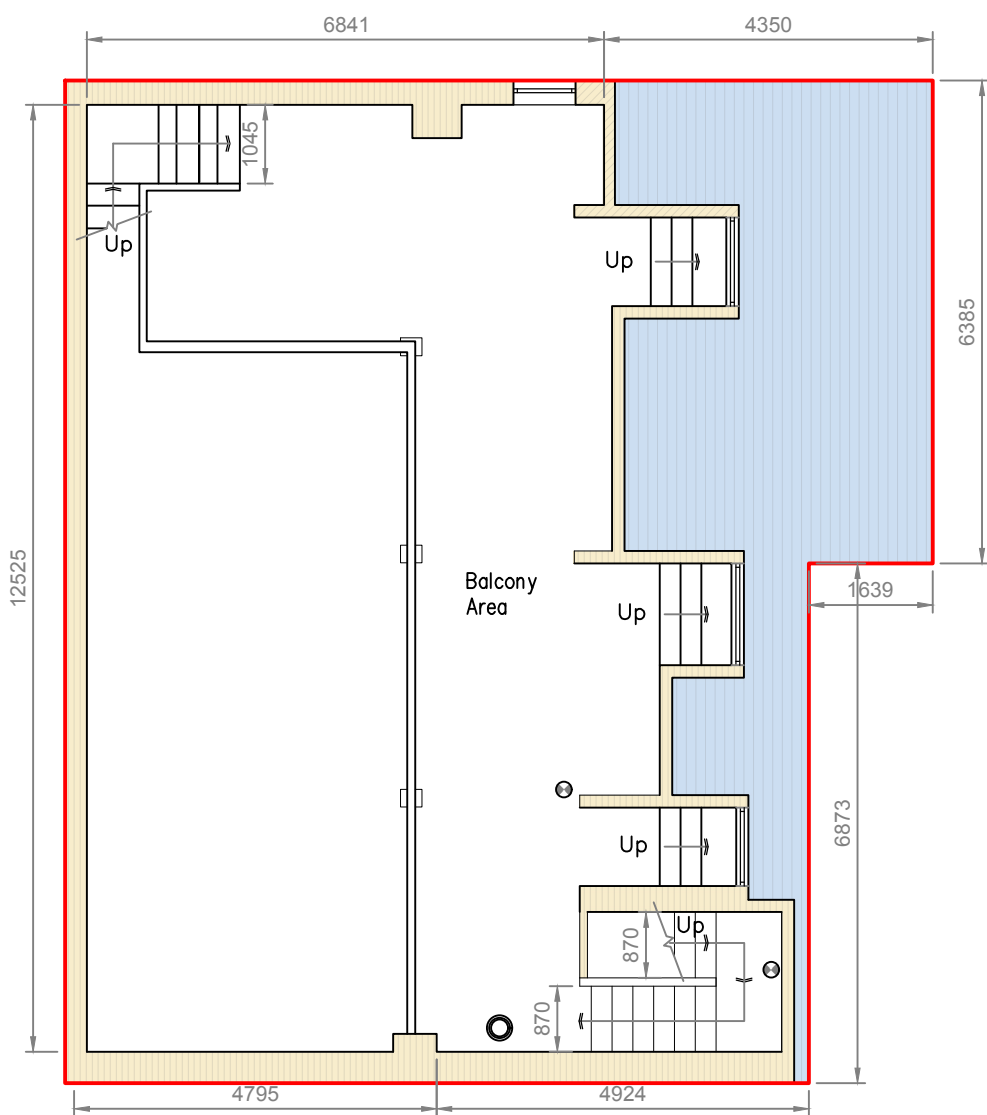
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PROPOSED BLOCK PLAN
SCALE 1:500



Other land owned by Trust Inns Ltd.
Licensed area.
External drinking area.



Licensing Plan - Balcony Level
Scale 1:100

Client:	Trust Inns Ltd Blenheim House, Foxhole Road,	
Date:	31/01/2020	AGC Design Services
Proj. Title:	Chandlers, 2 Kilbowie Rd, New Pavement Cafe License	Scale: As stated
Dwg Title:	Licensing Plan	Dwg No. 200319-04-01