

ITEM 12 – APPLICATION FOR PROVISIONAL PREMISES LICENCE

Premises: 16 Castlehill Road, Dumbarton G82 5BL.

Applicant: Clyde Lets Retail Ltd, c/o Dylan Associates,
32a Stromness Street, Glasgow G5 8HS.

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 87 - 88
Appendix 2 Application Form (with detailed Operating Plans)	Pages 89 - 103
Appendix 3 Letter of representation from West Dunbartonshire Community Health & Care Partnership	Pages 105 - 106
Appendix 4 Objection from Lynn Hume-Ross	Page 107
Appendix 5 Objection from Helen Cairney	Page 109
Appendix 6 Objection from Anne Marie Nixon	Page 111
Appendix 7 Objection letter and signed petition	Pages 113 - 121
Appendix 8 Objection letter from Mrs Morag McAlister	Page 123
Appendix 9 Objection letter from Jackie Baillie MSP	Pages 125 - 126
Appendix 10 Petition in support of the proposed Application	Pages 127 - 139

THE LICENSING (SCOTLAND) ACT 2005**Application for Provisional Premises Licences****OBJECTIONS/REPRESENTATION****Ref:** WDLBPREM/0279**Name and Address of Premises:** 16 Castlehill Road, Dumbarton G82 5BL**Applicant/Licence Holder:** Clyde Lets Retail Ltd, c/o Dylan Associates, 32a Stromness Street, Glasgow G5 8HS**Type of Premises:** Off-Sales**Proposed Application:** The premises are for an off-sales which will include a small café area where children with appropriate adults will be able to have very light food (no alcohol will be sold in the café area). The sale of alcohol for consumption off the premises will be Monday to Sunday 10 am to 10 pm.**Police Authority Comments:** No Objections**Fire Authority Comments:** No Objections**Regulatory Services Comments:****LSO**

This application is contrary to the Board's Overprovision Policy.

Community Council Comments: No active Community Council for this area**Health Board Comments:** Representation**Access Panel:** No comments received**Additional Comments:** No comments received

Section 50 Certificates:

Planning – Received 25.04.14

Decision:

West Dunbartonshire Licensing Board

APPLICATION FOR ~~PREMISES LICENCE~~/PROVISIONAL PREMISES LICENCE*

*Delete as appropriate

Licensing (Scotland) Act 2005, section 20

APPLICANT INFORMATION Licensing (Scotland) Act 2005, section 20(1)

Question 1

Name, address and postcode of premises to be licensed.

16 Castlehill Road
Dumbarton G82 5BL (formerly known as The Keep
Bar)

Question 2

Particulars of applicant

2(a) Where applicant is an individual, provide full name, date and place of birth, and home address including postcode.

2(b) Where applicant is a partnership, please provide full name, and postal address of partnership.

2(c) Where applicant is a company, please provide name, registered office and company registration number.

Clyde Lets Limited, c/o Dylan Associates
32 a Stromness Street, Glasgow G5 8HS
Co. Registration No SC 405035

2(d) Where the applicant is a club or other body, please provide full name, and postal address of club or other body.

2(e) Where applicant is a partnership, company, club or other body, please provide the names, dates and places of birth, and home addresses of connected persons.*

* Connected person is defined in section 147(3) of the Licensing (Scotland) Act 2005.

Question 3*Previous applications*

- 3 Has the applicant been refused a premises licence under section 23 of the Licensing (Scotland) Act 2005 in respect of the same premises? YES/NO*

If YES – provide full details

On 17th September 2013 West Dunbartonshire Licensing Board refused the application on the grounds that (a) overprovision applied and (b) failure to meet their Licensing Objectives.

Question 4*Previous convictions*

4 Has the applicant or any connected person ever been convicted of a relevant or foreign offence (1)	YES/NO*
--	---------

*If YES – provide full details

For the purpose of this Act, a conviction for a relevant offence or foreign offence is to be disregarded if it is spent for the purpose of the Rehabilitation of Offenders Act 1974

Name & position (if applicable)	Date of conviction or sentence	Court	Offence	Penalty

(1) In addition to any convictions held by the applicant at the time of application, applicants should also familiarise themselves with the contents of section 24(1) of the Licensing (Scotland) Act 2005 in respect of any convictions for relevant or foreign offences which they may receive during the period beginning with the making of the premises licence application and ending with determination of the application.

DESCRIPTION OF PREMISES *Licensing (Scotland) Act 2005, section 20(2)(a)***Question 5**

- 5 *Description of premises (where application is submitted by a members' club, please also complete question 6)*

Premises are situated at 16 Castlehill Road Dumbarton (formerly known as the Keep Bar) and forms part of a semi-detached building annexed to an empty Chinese restaurant. The premises will include a small cafe area where children with appropriate adults will be able to have very light food. No alcohol will be sold in that area.

Question 6

- 6 *To be completed by members' clubs only*

Do the club's constitution and rules conform to the requirements of regulation 2 of the Licensing (Clubs) (Scotland) Regulations 2007?	YES/NO*
* Delete as appropriate	

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 Application are true to the best of my knowledge and belief.

Signature * (see note below).

Date 30.4.14

Capacity Agent AGENT* (delete as appropriate).

Telephone number and email address of signatory

McArthur Stanton

<i>I have enclosed the relevant documents with this application – please tick the relevant boxes</i>	
<i>Operating plan</i>	<input checked="" type="checkbox"/>
<i>Layout plan</i>	<input checked="" type="checkbox"/>
<i>Planning certificate</i>	<input checked="" type="checkbox"/>
<i>Building standards certificate</i>	<input type="checkbox"/>
<i>Food hygiene certificate</i>	<input type="checkbox"/>

*** 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:

West Dunbartonshire Licensing Board
Council Offices
Rosebery Place
Clydebank
G81 1TG

Phone: 01389 738701
Fax: 01389 738674
Email: marie.mccran@west-dunbarton.gov.uk

For use by the Licensing Board only	
Application checklist	
Date received	
Fee amount	
Receipt number	
Received by (<i>INITIALS</i>)	
Consideration date	
Last date for consideration	
Date of initial hearing	
Date of any modification hearing	
Date granted/refused (delete as appropriate)	

For use by the Licensing Board only	
If application is for a premises licence	
Documents required	
Operating plan	
Layout plan	
Planning certificate	
Building standards certificate	
Food hygiene certificate	

For use by the Licensing Board only	
If application is for a provisional premises licence	
Documents required	
Provisional planning certificate	
Operating plan	
Layout plan	

ADDITIONAL MATERIAL – PREMISES LICENCE APPLICATION
LODGED NO LATER THAN 16TH JANUARY 2009

Is there a licence under the Licensing (Scotland) Act 1976 held in respect of the premises?

YES/~~NO~~* (*Delete as appropriate) *There was formerly a Public House Licence.*

If so, do you consider the application to be a "Grandfather Rights" application (i.e. one falling within article 18 or 19 of the Licensing (Transitional and Saving Provisions) (Scotland) Order 2007)?

~~YES~~/NO* (*Delete as appropriate)

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

Question 2STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION ON PREMISES

Day	ON Consumption	
	Opening time	Terminal hour
Monday		
Tuesday		
Wednesday		
Thursday	/	/
Friday		
Saturday		
Sunday		

Question 3

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

Day	OFF Consumption	
	Opening time	Terminal hour
Monday	10 am	10 pm
Tuesday	10 am	10 pm
Wednesday	10 am	10 pm
Thursday	10 am	10 pm
Friday	10 am	10 pm
Saturday	10 am	10 pm
Sunday	10 am	10 pm

Question 4

SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand	YES/NO*
---	---------

*If YES – provide details

All in terms of West Dunbartonshire
Licensing Board's Seasonal Variations
Recommendations.

Question 5

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

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

* NB. Seated area will be a cafe serving
light snacks hot or cold but NO Alcohol

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

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

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.

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?	YES/NO*
---	---------

When fully occupied, are there likely to be more customers standing than seated?	YES/NO*
*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/NO*
	*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

/

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

Children of any age provided they are accompanied by a parent or other authorised adult.

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

During the core times stated in Question 3.

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

in the seated area and shop area defined in the accompanying plans

Question 7**CAPACITY OF PREMISES**

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

* SHOP SALES AREA = 69.00 m²
SEATING AREA (ie CAFE) = 11.80 m²
ALCOHOL DISPLAY AREA = 17.5 m²

Question 8

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

Personal details

8(a) Name

8(b) Date of birth

8(c) Contact address

8(d) Email address

* AS AGENCED ON BEHALF OF M^RARTHUR STANTON (ru)

8(e) Personal licence

<i>Date of Issue</i>	<i>Name of Licensing Board Issuing</i>	<i>Reference no. of personal licence</i>

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) *McArthur Stanton*
Solicitors
Date *24/4/2014* *40 High St. DUNBARTON G82*

Capacity ~~APPLICANT~~/AGENT (delete as appropriate).

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:

West Dunbartonshire Licensing Board
Council Offices
Rosebery Place
Clydebank
G81 1TG

Phone: 01389 738701
Fax: 01389 738674
Email: marie.mccran@west-dunbarton.gov.uk

PLEASE NOTE CONFIDENTIAL PAGES HAVE BEEN REMOVED