

WEST DUNBARTONSHIRE LICENSING BOARD

At a Meeting of West Dunbartonshire Licensing Board held in the Civic Space, 16 Church Street, Dumbarton on Thursday, 11 December 2018 at 10.10 a.m.

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

Attending: Peter Hissett, Clerk to the Licensing Board; Raymond Lynch, Depute Clerk to the Licensing Board; Robert Mackie, Senior Officer (Licensing Services), Peter Clyde and Lawrence Knighton, Licensing Standards Officers and Nuala Borthwick, Committee Officer.

Also attending: Constable Alison Simpson, Police Scotland.

Apologies: Apologies for absence were intimated on behalf of Councillors Jonathan McColl and Brian Walker.

Councillor Jim Brown in the Chair

DECLARATIONS OF INTEREST

Councillor Millar declared a non-financial interest in the item of business entitled, 'Review of Premises Licence - Sizzlers, 9 Main Street, Alexandria G83 0ER' and advised that he would take no part in the Committee's decision in relation to that item.

LICENSING BOARD HEARING PROCEDURE

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

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

MINUTES OF PREVIOUS MEETINGS

The following Minutes of Meetings of the Licensing Board were submitted and approved as correct records:-

- (1) Minutes of Meeting of the Licensing Board held on Tuesday, 18 September 2018; and
- (2) Minutes of Special Meeting of the Licensing Board held on Thursday, 11 October 2018.

CONTINUED REVIEW OF PREMISES LICENCE – BARGAIN STORE, 20 ALCLUTHA AVENUE, DUMBARTON, G82

With reference to the Minutes of Meeting of the Licensing Board held on 29 August 2018 and in terms of Section 36 of the Licensing (Scotland) Act 2005, Members considered whether to continue the Hearing concerning Review of the Premises Licence for Bargain Store.

It was noted that the licence holder, Mr Mohammad Yasin, was in attendance at the meeting and was represented by Ms Audrey Junner, Miller Samuel Hill Brown Solicitors.

DECIDED:-

Having heard the Clerk to the Licensing Board, it was noted that the Hearing was considered to be part-held and required the same members to be present as were present at the Licensing Board on 29 August 2018 in order for the Hearing to continue. In the absence of a quorum of Members who had been present at the Hearing on 29 August 2018, it was noted that the Hearing could not be resumed and was therefore continued to a future meeting.

CONTINUED REVIEW OF PERSONAL LICENCE – MR MOHAMMAD YASIN

With reference to the Minutes of Meeting of the Licensing Board held on 29 August 2018 and 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 Mohammad Yasin. In this respect, a letter from the Chief Constable, Police Scotland was submitted.

It was noted that the licence holder, Mr Mohammad Yasin, was in attendance at the meeting and was represented by Ms Audrey Junner, Miller Samuel Hill Brown Solicitors.

DECIDED:-

After discussion and having heard from both the Clerk to the Licensing Board and Ms Junner, it was agreed that the application would be continued to the next meeting of the Licensing Board being held on 12 March 2019.

CONTINUED REVIEW OF PERSONAL LICENCE – MR GERARD CASSIDY

With reference to the Minutes of Meeting of the Licensing Board held on 13 June 2018 and 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 Gerard Cassidy.

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

- (a) that a letter had been submitted by Police Scotland in terms of Section 84A(1) of the Licensing (Scotland) Act 2005 reporting that Mr Gerard Cassidy had acted in a manner inconsistent with the licensing objectives of protecting children from harm and preventing crime and disorder;
- (b) 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
- (c) that Mr Cassidy was in attendance at the meeting and was represented by Mr Douglas Thomson, Solicitor Advocate, McArthur Stanton Solicitors.

As a preliminary matter, Mr Thomson advised that the criminal case against Mr Cassidy had concluded on 11 October 2018 and that Mr Cassidy had pled guilty to two charges of assault in terms of Section 90(2)(A) of the Police and Fire Reform (Scotland) Act 2012 and had proceeded to trial with two further charges under Section 38 of Criminal Justice and Licensing Act 2010, Section 90(1) and 90(1)(A) and was found 'not guilty' in relation to both charges.

Constable Alison Simpson, Police Scotland was in attendance at the meeting and was heard in relation to the circumstances outlined in the Police letter which had been submitted to Members in advance of the meeting. Thereafter, Constable Simpson was heard in answer to questions from Members of the Board.

Mr Cassidy was then given an opportunity to address the Board and there after both he and Mr Thomson were heard in answer to questions from Members.

ADJOURNMENT

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

The Board reconvened at 10.53 a.m. with all members listed in the sederunt in attendance.

DECIDED:-

Following consideration of all matters before the Board, it was agreed that the Personal Licence held by Mr Cassidy be endorsed for a period of 5 years on the grounds that his conduct had been inconsistent with the licensing objective of preventing crime and disorder.

APPLICATION FOR PROVISIONAL PREMISES LICENCE

An application for Grant of a Provisional Premises Licence for Lidl Store, Former Distillery Site, Castle Street, Dumbarton G82 1QY was submitted for consideration.

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

- (a) that Mr Andrew Hunter, Harper MacLeod Solicitors, was in attendance on behalf of the applicant, Lidl UK GmbH and was accompanied by Cameron Hall and Ross Jackson, Senior Acquisitions Consultants, Lidl UK;
- (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.

Mr Peter Clyde, Licensing Standards Officer, was then heard in respect of the application and in relation to the number and capacity of licensed premises in the area. It was noted that the LSO had reported a reduction in the overall capacity of licensed premises in the area since the Board considered their initial assessment of Overprovision.

Mr Hunter then provided a detailed presentation in support of the applicant and the application, addressing Members in respect of the Board's Overprovision Policy and the steps taken by Lidl to address issues in terms of the licensing objectives. Thereafter Mr Hunter was heard in answer to Members' questions in relation to the benefits of granting the application.

DECIDED:-

Following consideration of all matters before the Board and having heard both Mr Hunter and Mr Clyde in answer to Members' questions, it was agreed that the application be granted.

APPLICATION FOR PROVISIONAL PREMISES LICENCE

An application for Provisional Premises Licence for Mahonys, 23 Britannia Way, Clydebank G81 2RZ was submitted for consideration.

Having heard the Clerk, it was noted that Mr Archie MacIver, Brunton Miller Solicitors, was in attendance on behalf of the applicant, Mr Mahmut Akkurt. The Board then heard from Mr MacIver in relation to the application.

DECIDED:-

After consideration, the Board agreed that the application be granted.

APPLICATION FOR VARIATION OF PREMISES LICENCE

An application for Variation of Premises Licence for Antartex Village, Lomond Industrial Estate, Heather Avenue, Alexandria G83 OTP was submitted for consideration.

It was noted that Michael McDougall, Solicitor, TLT Solicitors, was in attendance on behalf of the applicant, The Edinburgh Woollen Mill Limited, and was accompanied at the meeting by a representative of the applicant Carol Thornton.

DECIDED:-

After consideration, the Board agreed that the application be granted.

APPLICATION FOR VARIATION OF PREMISES LICENCE

An application for Variation of Premises Licence for Antartex Village, Lomond Industrial Estate, Heather Avenue, Alexandria G83 OTP was submitted for consideration.

It was noted that the applicant, Mr Shaneen Majeed, was in attendance at the meeting.

DECIDED:-

After consideration, the Board agreed that the application be granted.

APPLICATION FOR VARIATION OF PREMISES LICENCE

An application for Variation of Premises Licence for Auchentoshan Distillery, Dalmuir, Clydebank G81 3SJ was submitted for consideration.

It was noted that the applicant, Morrison Bowmore Distillers Limited was represented at the meeting by Ms Audrey Junner, Miller Samuel Hill Brown Solicitors.

As a preliminary matter, Ms Junner advised that there had been an error in preparing the application and that the application referred to the off sales display areas increasing to 130m². However, the required off sales display area within the

application required to be 31.5m² therefore the application would result in a reduction to the off sale capacity at the premises.

Thereafter Ms Junner was heard in support of the application and in answer to Members' questions.

DECIDED:-

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

APPLICATION FOR PERSONAL LICENCE

An application for a Personal Licence for Mr Logan Malcolm was submitted for consideration.

Having heard the Clerk, it was noted:-

- (a) that a letter dated 7 November 2018 had been received from Police Scotland providing information on a relevant conviction held by the applicant;
- (b) that both the applicant and a representative of Police Scotland had been invited to attend the meeting in order that a Hearing could take place; and
- (c) that the applicant, Mr Malcolm, was not in attendance at the meeting.

DECIDED:-

Following consideration, the Board agreed that the application be continued to the next meeting of the Licensing Board scheduled to be held on 12 March 2019.

Note: Having declared an interest earlier in the meeting, Councillor Millar left prior to discussion of the next item.

REVIEW OF PREMISES LICENCE

In terms of Section 36 of the Licensing (Scotland) Act 2005, Members considered a report by the Licensing Standards Officer providing information on the position concerning the non-payment of annual fees for the premises known as Sizzlers, 9 Main Street, Alexandria G83 0ER.

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

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DECIDED:-

Following consideration, the Board agreed to suspend the premises licence until such time as the annual fee is paid by the licence holder.

Note: Councillor Millar returned to the meeting.

REVIEW OF PREMISES LICENCE

In terms of Section 36 of the Licensing (Scotland) Act 2005, Members considered a report by the Licensing Standards Officer providing information on the position concerning the non-payment of annual fees for the premises known as Café Roma, 53 Sylvania Way South, Clydebank G81 1EA.

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

DECIDED:-

Following consideration, the Board agreed to suspend the premises licence until such time as the annual fee is paid by the licence holder.

THE GAMBLING ACT 2005: REVIEW OF LICENSING BOARD'S STATEMENT OF PRINCIPLES

A report was submitted by the Clerk to the Licensing Board:-

- (a) advising of the consultation responses received in relation to the Board's review of its Statement of Principles under the Gambling Act 2005; and
- (b) seeking approval of the draft Statement of Principles.

After discussion and having heard the Depute Clerk to the Licensing Board in further explanation of the report and in answer to Members' questions, the Board agreed:-

- (1) to note the terms of the consultation responses contained at Appendix 1 to the report; and
- (2) to approve the Three Year Statement of Principles under the Gambling Act 2005 as contained at Appendix 2 to the report.

The meeting closed at 11.58 a.m.