

WEST DUNBARTONSHIRE LICENSING BOARD

At a Meeting of West Dunbartonshire Licensing Board held in the Council Chambers, Clydebank Town Hall, 5 Hall Street, Clydebank on Tuesday, 9 May 2023 at 10.04 a.m.

Present: Councillors Gurpreet Singh Johal, June McKay, John Millar, Chris Pollock and Hazel Sorrell.

Attending: Michael McDougall, Depute Clerk to the Licensing Board; Peter Clyde and Lawrence Knighton, Licensing Standards Officers; Marie Grant, Licensing Assistant; and Lynn Straker, Committee Officer.

Also Attending: Sergeant David Holmes, Police Scotland; Archie McIvor, Solicitor and Representative for Application for Provisional Premises Licence – Suite 2; Dr Daniel Carter, Consultant in Public Health Medicine and Andrew Anderson, Personal Licence holder.

Apologies: Apologies for absence were intimated on behalf of Councillors Jonathan McColl and Lawrence O'Neill.

Councillor June McKay 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.

MINUTES OF PREVIOUS MEETING

The Minutes of the Licensing Board meeting held on Tuesday, 7 March 2023 were submitted and approved as a correct record.

APPLICATION FOR PROVISIONAL PREMISES LICENCE

A report was submitted for consideration of an application for Provisional Premises Licence for Suite 2, Strathleven House, Vale of Leven Industrial Estate, Dumbarton G82 3PD.

After discussion and having heard the Depute Clerk to the Licensing Board in further explanation and in answer to Members' questions, the Board agreed then heard from Mr McIvor as Solicitor and Representative of the Application.

After further information was provided from Licensing Standards Officer (LSO) Lawrence Knighton and no comments or objections having been received, the Board agreed to Grant the application subject to conditions within the Provisional Licence Act as detailed by the LSO being met.

DECIDED:-

Application granted subject to conditions stipulated within the Provisional Licensing Act.

STATEMENT OF LICENSING POLICY – OVERPROVISION EVIDENCE FROM NHS GREATER GLASGOW AND CLYDE AND WEST DUNBARTONSHIRE HSCP

A report was submitted by Clerk to the Licensing Board providing Members with information detailing alcohol and public health statistics as contained in the NHS Greater Glasgow and Clyde and West Dunbartonshire Health and Social Care Partnership ("HSCP") Overprovision Assessment report as annexed at Appendix 1 of the report. It also detailed the outcome of a public consultation on alcohol consumption and purchasing habits in West Dunbartonshire as carried out by the West Dunbartonshire HSCP as annexed at Appendix 2 of the report.

Members of the Board heard an introduction from Mr McDougall, Depute Clerk to the Board, and then viewed a presentation led by Dr Daniel Carter, Consultant in Public Health Medicine, detailing facts and data gathered from various sources of research and assessment in determining Overprovision of alcohol within West Dunbartonshire.

ADJOURNMENT

The Chair adjourned the meeting for a short recess. The meeting reconvened at 10.53 a.m. with all those listed in the sederunt present.

After further discussion and having heard Mr McDougall and Dr Carter in further explanation and in answer to Members' questions, the Board agreed:-

- (1) to note the terms of the information submitted from NHS Greater Glasgow and Clyde and West Dunbartonshire HSCP;
- (2) if required, to request any further data or information from NHS Greater Glasgow and Clyde and West Dunbartonshire HSCP and in particular information relating to the impact of Minimum Unit Pricing on the alcohol and public health statistics detailed in the Overprovision Assessment report.

DECIDED:-

The Board agreed to the recommendations of the report.

STATEMENT OF LICENSING POLICY – OVERPROVISION ASSESSMENT

A report was submitted by Clerk of the Licensing Board providing information to allow the Licensing Board to determine the extent to which it considers there to be over provision of licensed premises, or licensed premises of a particular description in any locality within the Licensing Board's area.

After discussion, in consideration of the material presented to the Board at its meeting of 7 March 2023 and today and in particular, the statistics provided by the NHS, Police Scotland, and Licensing Standards Officer; and having heard the Depute Clerk to the Licensing Board in further explanation and in answer to Members' questions, the Board agreed:-

- (1) to the recommendations made by the Licensing Forum in relation to overprovision;
- (2) that there is a dependable causal link between the alcohol related harm and the number and capacity of licensed premises, in respect of the categories defined in the current Statement of Licensing Policy, in respect of all intermediate zones forming West Dunbartonshire with the exception of:-
 - i. IZ05 (Goldenhill, Parkhall North, East Kilbowie & Hardgate Central);
 - ii. IZ07 (Duntocher & Concho); and
 - iii. IZ09 (Old Kilpatrick)
- (3) that it will continue to recognise the positive health benefits associated with increased employment opportunities as a factor that applicants may use in support of their application and a factor that may rebut such a presumption;
- (4) that it will consult on making increases in the capacities (both on and off-sales) of premises licences part of the assessment of overprovision; and
- (5) that the consultation results will be reported to it at a future Licensing Board meeting so as to inform the development of the Assessment of Overprovision.

DECIDED:-

The Board agreed to the recommendations of the report and that consultation results will be reported back to the Licensing Board at a future Board meeting so as to inform the development of the Assessment of Overprovision within West Dunbartonshire.

Note:- Dr Daniel Carter left the meeting after discussion of this item.

DEVELOPMENT OF THE STATEMENT OF LICENSING POLICY

A report was submitted by Clerk of the Licensing Board providing information to allow the Licensing Board to consider proposed changes to the Licensing Board's Statement of Licensing Policy, other than those that relate to the Overprovision Assessment. All proposed changes will be subject to consultation.

After discussion and having heard the Depute Clerk to the Licensing Board in further explanation, the Board agreed:-

- (1) to note the Licensing Forum recommendations as well as responses to its pre-consultation exercise; and
- (2) to authorise the Clerk to prepare a new Statement of Licensing Policy with the approved amends at paragraphs 4.16 to 4.21.

REVIEW OF PREMISES LICENCES – 6/8 WEBSTER STREET

Mr McDougall, Depute Clerk to the Licensing Board, noted that in terms of Section 36 of the Licensing (Scotland) Act 2005, Members are requested to hold hearings to consider the Review of Premises Licences for the above noted premises.

Mr Knighton, Licensing Standards Officer (LSO), detailed the letters and communication attempts with the premise Licence holder which had all been unsuccessful in payment of Outstanding Annual Licence Fees. He also noted the premises was not currently trading.

After discussion and having heard the Depute Clerk to the Licensing Board and LSO in further explanation and in answer to Members' questions, the Board agreed to revoke the Premises Licence with immediate effect. Mr Knighton advised he would notify the Premises Licence holder accordingly.

DECIDED:-

The Board agreed to revoke the Premises Licence.

REVIEW OF PREMISES LICENCES – JENNERS

Mr McDougall, Depute Clerk to the Licensing Board, noted that in terms of Section 36 of the Licensing (Scotland) Act 2005, Members are requested to hold hearings to consider the Review of Premises Licences for the above noted premises.

Mr McDougall noted however that recent communication had been received from the Premises Licence holder on 9 May 2023 apologising for delay of payment and lack of communication and promising immediate payment of outstanding fees as a matter of urgency. The Board agreed that if payment was received prior to the next meeting of the Licensing Board on 27 June 2023, then they will remove the suspension on the Licence. Members of the Board also requested a response is sent to the Licence

holder detailing the delay and lack of communication is not acceptable going forward.

DECIDED:-

The Board agreed to await immediate payment of outstanding Annual Licence Fee and revoke suspension of Licence once received.

REVIEW OF PERSONAL LICENCE – CLYDEBANK HOTEL

Mr McDougall, Depute Clerk to the Licensing Board, noted that in terms of Section 36 of the Licensing (Scotland) Act 2005, Members are requested to hold hearings to consider the Review of Premises Licences for the above noted premises.

Mr Knighton, Licensing Standards Officer (LSO), detailed the letters and communication attempts with the premise Licence holder which had all been unsuccessful in payment of Outstanding Annual Licence Fees. He also noted the premises was not currently trading.

After discussion and having heard the Depute Clerk to the Licensing Board and LSO in further explanation and in answer to Members' questions, the Board agreed to revoke the Premises Licence with immediate effect. Mr Knighton advised he would notify the Premises Licence holder accordingly.

DECIDED:-

The Board agreed to revoke the Premises Licence.

REVIEW OF PREMISES LICENCES – NICOS NOSH

Mr McDougall, Depute Clerk to the Licensing Board, noted that in terms of Section 36 of the Licensing (Scotland) Act 2005, Members are requested to hold hearings to consider the Review of Premises Licences for the above noted premises.

Mr Knighton, Licensing Standards Officer (LSO), detailed the letters and communication attempts with the premise Licence holder which had all been unsuccessful in payment of Outstanding Annual Licence Fees. He also noted the premises was not currently trading.

After discussion and having heard the Depute Clerk to the Licensing Board and LSO in further explanation and in answer to Members' questions, the Board agreed to revoke the Premises Licence with immediate effect. Mr Knighton advised he would notify the Premises Licence holder accordingly.

DECIDED:-

The Board agreed to revoke the Premises Licence.

Note:- Councillor Gurpreet Singh Johal left the meeting after decision on this item.

EXCLUSION OF PRESS AND PUBLIC

The Board agreed the press and public be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of exempt information which is currently subjudice.

The meeting closed at 11.48 a.m.