

WEST DUNBARTONSHIRE LICENSING BOARD

At a Meeting of West Dunbartonshire Licensing Board held in the Meeting Room 3, Council Offices, Garshake Road, Dumbarton on Tuesday, 8 February 2011 at 10.00 a.m.

Present: Councillors Jim Brown, George Black, Jim Finn, Jonathan McColl and Ronnie McColl.

Attending: Andrew Fraser, Clerk to the Licensing Board; Peter Clyde and Lawrence Knighton, Licensing Standards Officers; Nuala Borthwick, Committee Officer and Marie McCran, Administrative Assistant, Legal, Administrative and Regulatory Services.

Also

Attending: Chief Inspector Fergus Byrne and Sergeant George Stewart, Licensing Sergeant, Strathclyde Police.

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

Councillor Jim Brown in the Chair

DECLARATION 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 MEETINGS

The Minutes of the Meeting of the Licensing Board held on 16 November 2010 and 21 December 2010 (Special) were submitted and approved as a correct record.

LICENSING TEAM RESTRUCTURE

A report was submitted by the Clerk to the Licensing Board advising of changes in the officer support to the Licensing Board and Licensing Forum.

Having heard the Clerk to the Licensing Board in further explanation of the report and in answer to Members' questions, the Board agreed to note the changes in officer support.

ALCOHOL ETC (SCOTLAND) ACT

A report was submitted by the Clerk to the Licensing Board advising on the provisions of the Alcohol Etc (Scotland) Act recently passed by the Scottish Parliament.

The Clerk to the Licensing Board outlined the main provisions contained in the Alcohol Etc (Scotland) Act and in doing so, advised that the introduction of a minimum price for alcohol, which was the main measure within the Bill, was defeated in Parliament and therefore was not included as part of the Act as passed.

Following discussion and having heard the Clerk to the Licensing Board and the Licensing Standards Officer in answer to Members' questions, the Board agreed:-

- (a) to note the main provisions contained in the Alcohol Etc (Scotland) Act and the implications for licence holders and the Licensing Board; and
- (b) to request a report on the proposed social responsibility fee during any subsequent consultation, which failing when the regulations were published.

EXTENSION TO LICENSED HOURS FOR THE ROYAL WEDDING

A report was submitted by the Clerk to the Licensing Board inviting consideration of a proposal on the granting of Applications for Extended Hours for the royal wedding in terms of Section 67 of the Licensing (Scotland) Act 2005.

Following consideration of the report, the Board agreed to consider Applications for Extended Hours on an individual basis and for events in celebration of the royal wedding only.

APPLICATION FOR ADULT GAMING CENTRE PREMISES LICENCE IN TERMS OF THE GAMBLING ACT 2005

Name and Address of Premises: Gold Gaming, 34 Sylvania Way South,
Clydebank G81 1EA

Applicant: Stewart4 Limited, 407 Great Western
Road, Glasgow G4 9GA

An application for an Adult Gaming Centre Premises Licence in terms of the Gambling Act 2005 was submitted in respect of Gold Gaming, 24 Sylvania Way South, Clydebank G81 1EA.

It was noted that the applicant was not in attendance.

Thereafter, the Board agreed that the application be continued.

**APPLICATIONS FOR VARIATION OF PREMISES LICENCE
IN TERMS OF THE LICENSING (SCOTLAND) ACT 2005**

Applications for Variation of Premises Licence were submitted by the undernoted applicants in respect of the undernoted premises:-

(a) WDLBPREM/0039

Name and Address of premises: St. Patrick's Church Hall, 10 Strathleven Place, Dumbarton G82 1BA

Applicant/Licence Holder: St Patrick's Church Hall, 10 Strathleven Place, Dumbarton G82 1BA

The Board noted:-

- (1) that the applicant was represented Ms Christine Mahoney; and
- (2) that the proposed variation involved a change to the capacity of the premises to 200 people.

The Board agreed that the application be granted.

(b) WDLBPREM/0083

Name and Address of premises: The Stonefield, Dumbarton Road, Milton, Dumbarton.

Applicant/Licence Holder: Mitchells & Butlers Retail Limited, 27 Fleet Street, Birmingham B3 1JP.

The Board noted:-

- (1) that the applicant was represented by Ms Audrey Brown, Hill Brown Solicitors; and
- (2) that the proposed variation included:-
 - (i) the following activities within the Operating Plan: receptions, live performances, karaoke, video games and children's parties, charity and community based events with associated activities on an occasional basis; and
 - (ii) an amendment to the layout plan to show the above additional activities and also the serving of food in the external area.

The Board agreed that the application be granted.

(c) WDLBPREM/0203

Name and Address of premises: Kilted Skirlie, Unit 8, Loch Lomond Shores, Balloch G83 8QP.

Applicant/Licence Holder: Keltic Connections Limited, Loch Lomond Shores, Balloch G83 8QP.

The Board noted:-

- (1) that the applicant was represented at the meeting by Mr Archie Macivor, Brunton Miller Solicitors;
- (2) that the proposed variation involved a change to the Operating Plan when alcohol would be sold for consumption on the premises:-
 - (i) on Sunday from 11 am to 12 midnight; and
 - (ii) on Monday to Sunday from 10 am for funerals only and in line with the Board's Policy.

The Board agreed that the application be granted.

**APPLICATIONS FOR PROVISIONAL GRANT OF PREMISES LICENCE
IN TERMS OF THE LICENSING (SCOTLAND) ACT 2005**

Applications for Variation of Premises Licence were submitted by the undernoted applicants in respect of the undernoted premises:-

(a) WDLBPREM/0263

Name and Address of Premises: The Horseshoe Bar, 110 Dumbarton Road, Bowling G60 5DB

Applicant/Licence Holder: Alice Young & Scott McNiff, c/o The Horseshoe Bar, 110 Dumbarton Road, Bowling G60 5DB

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

- (i) that the applicants were in attendance and were represented by Mr John Gilmour, Messrs McArthur Stanton Solicitors; and
- (ii) that two objections had been received in relation to the application and that neither of the objectors were in attendance nor represented at the meeting.

Having heard the Clerk to the Licensing Board in relation to any preliminary issues, Mr Gilmour asked whether it was known to the Board if Bowling and Milton Community Council had discussed and taken a vote on submission of the objection to the application at their most recent meeting.

Having heard Councillor Black in response, it was noted that in his capacity as Elected Member for Bowling and Milton, Councillor Black had attended the most recent meeting of the Community Council as an attendee and advised that a vote had taken place in favour of the objection being submitted.

Thereafter, the Clerk addressed the Board on the policy issues on which the objection was based. It was noted that the objection mainly focused on the issue of uncertainty in the Board's Overprovision Policy. The Clerk advised that the premises were not located within the Board's overprovision locality. The Clerk further advised that the overprovision locality was map-based, and the data on which the Policy was based was entirely correct, having been collated from Police and Health Board statistics for the area (eg police incidents, alcohol related deaths and hospital admissions). It was noted that an error had occurred in the naming of the neighbouring area 'Old Kilpatrick and Dalmuir' which had been wrongly named 'Bowling' within the data which appeared on the map of West Dunbartonshire.

The Clerk advised that whilst the error in terminology for the area was irrelevant and the issue for the Board was the significance of the draw from neighbouring areas of overprovision to the premises.

Thereafter the Board heard from Mr Gilmour in support of the application and in response to the objection.

Following consideration of the application and having heard the applicant in answer to Members' questions and the Clerk in legal clarification, the Board agreed that the application be granted.

(b) WDLB/PREM/0264

Name and Address of Premises: Block 1, Unit 5, Lomond Work Space,
Lomond Industrial Estate, Alexandria.

Applicant/Licence Holder: Loch Lomond Brewery Limited, Carn Dearg,
Luss G83 8NY.

It was noted that the applicants, Euan and Fiona MacEachern, were in attendance.

The Board heard from the Clerk to the Licensing Board who referred to the Board's Licensing Policy and advised that the premises were located within an area of overprovision and therefore it was for the applicant to demonstrate that the grant of the application would not undermine the licensing objectives of the Licensing (Scotland) Act 2005. The Clerk also advised that the Board would expect applicants seeking the grant of a new premises licence within such localities to provide robust and reliable evidence to the Board as to why the benefit to the licensing objectives through the grant of their application outweighed the detriment to the licensing objectives and the Board's Overprovision Policy. In particular, the Clerk stressed that the Board would expect to be addressed on the benefits of granting the application in terms of each licensing objective.

Thereafter, the Chair, Councillor Brown, invited the representatives of the applicant to address the Board on the particular circumstances and benefits of their application to the area.

The applicants then addressed the Board on the proposed business venture.

It was noted that the applicants intended to produce fine cask ale on the premises with 60% casked on site for sale to public houses both in the local area and throughout Scotland and the other 40% being bottled off-site for sale at farmers markets, off licences, shops and through internet sales. It was also planned that small and organised brewery tours would be held for tourists and beer enthusiasts which would include a sampling session followed by the opportunity to purchase branded merchandise from the shop. The applicants then addressed the Board on the benefits to each licensing objective through the grant of their application.

Following discussion and having the applicants in answer to Members' questions, the Board agreed:-

- (1) that the applicant was able to demonstrate that they had addressed the issues and measures in the planned operation of the premises as set out in the Board's Licensing Policy Statement and in terms of each of the licensing objectives;
- (2) that the application be granted; and
- (3) to note the comment made by Councillor Black that the application would go some way to promoting responsible drinking.

The meeting closed at 10.45 a.m.