

## **WEST DUNBARTONSHIRE LICENSING BOARD**

At a Meeting of the West Dunbartonshire Licensing Board held in Committee Room 3, Council Offices, Garshake Road, Dumbarton on Tuesday, 17 September 2013 at 10.00 a.m.

**Present:** Councillors Jim Brown, Gail Casey, Marie McNair, John Millar, Hazel Sorrell and Michelle Stewart.

**Attending:** Peter Hissett, Clerk to the Licensing Board; Raymond Lynch, Depute Clerk to the Licensing Board; Keith Bathgate, Development Management (Team Leader); Colin Newman, Team Leader, Building Control; Martin Keeley, Team Leader, Environmental Health; Peter Clyde and Lawrence Knighton, Licensing Standards Officers, Marie McCran, Licensing Assistant and Nuala Borthwick, Committee Officer, Legal, Democratic and Regulatory Services.

**Also attending:** Inspector Coleen Wylie, Sergeant John Hendry and Mrs Karen Queen, Police Scotland.

**Apology:** Apologies for absence were intimated on behalf of Councillors Jonathan McColl and John Mooney.

### **APPOINTMENT OF CHAIR**

In accordance with Schedule 1, Section 6(5) of the Licensing (Scotland) Act 2005 and in the absence of the Convener, Councillor Mooney, the Board agreed to elect another of its members to chair the meeting.

Accordingly, the Board agreed that Councillor John Millar be appointed to chair the meeting and Councillor Millar assumed the Chair.

### **DECLARATIONS OF INTEREST**

Councillors Casey, McNair and Sorrell declared a non-financial interest in the items of business entitled 'Application for Provisional Premises Licence – 16 Castlehill Road, Dumbarton' and 'Application for Variation of Premises Licence – Lucky Break Snooker Club, 26/30 Glasgow Road, Clydebank', being members of the West Dunbartonshire Community Health and Care Partnership, given that an objection had been submitted in relation to these applications. All three members intimated that they would remain in the meeting during consideration of both items of business and would take part in any decisions reached by the Board.

Councillor Brown declared a non-financial interest in the item of business entitled 'Application for Variation of Premises Licence – Fentons, 174 Main Street, Jamestown, Alexandria' in view of an ex-colleague's employment by the licence holder and intimated that he would remain in the meeting during consideration of the item and would take part in any decision reached by the Board.

## **MINUTES OF PREVIOUS MEETINGS**

The Minutes of Meetings of the Licensing Board held on Tuesday, 11 June 2013 and Special Licensing Board held on Tuesday, 13 August 2013 were submitted and approved as correct records.

## **LICENSING BOARD HEARING PROCEDURES**

A note of the Licensing Board's Hearing Procedures were submitted as undernoted:-

- (a) Hearing Procedure for Review of a Premises/Personal Licence; and
- (b) Hearing Procedure for an Application with Objections.

## **DUMBUCK BOWLING CLUB, GLASGOW ROAD, DUMBARTON**

### **(a) Continued Application for Provisional Premises Licence**

With reference to the Minutes of Meetings of the Licensing Board held on 25 May 2010 and 11 June 2013, the Board continued its hearing for the Provisional Premises Licence (Members' Club) for Dumbuck Bowling Club, Glasgow Road, Dumbarton G81 1EU.

Mr Bob Shaw, on behalf of the licence holder, Dumbuck Bowling Club and Mr Honeyman, an objector to the application, were heard by the Board, as were Mr Keith Bathgate, Development Management (Team Leader) and Mr Colin Newman, Team Leader, Building Control.

### **DECIDED:**

After consideration of all matters before them, the Board agreed that the application for Provisional Premises Licence (Members' Club) be granted.

### **(b) Applications for Occasional Licences**

The Board considered the two separate applications for Occasional Licences received in respect of the Dumbuck Bowling Club for the undernoted dates:-

- (i) OL/64/13                      18 September 2013 – 2 October 2013

(ii) OL/65/13

3 October 2013 – 17 October 2013

After consideration of all matters before the Board and having heard from the representative of the applicant, Mr Shaw and from Mr Newman, Team Leader, Building Control and Mr Clyde, Licensing Standards Officer in answer to Members' questions, the Board:-

**DECIDED:**

To agree:-

- (1) that the applications for Occasional Licence be granted; and
- (2) to note the licence holder's undertaking to have all works approved and the Provisional Premises Licence confirmed by April 2014 in time for the start of the new bowling season.

**DECLARATIONS OF INTEREST**

Councillors Casey, McNair and Sorrell Casey declared a non-financial interest in the undernoted item of business, being members of the West Dunbartonshire Community Health and Care Partnership, given that an objection had been submitted in relation to applications by a subgroup of the West Dunbartonshire Alcohol and Drug Partnership. The three Members intimated that they would take part in any decision reached by the Board.

**APPLICATIONS IN TERMS OF THE LICENSING (SCOTLAND) ACT 2005**

There were submitted various applications in terms of the Licensing (Scotland) Act 2005 as undernoted:-

- (a) Application for Provisional Premises Licence was submitted by the undernoted applicant for the undernoted premises.

**WDLBPREM/0275**

Name and Address of Premises: 16 Castlehill Road, Dumbarton G82 5BL

Applicant/Licence Holder: Clyde Lets Limited, c/o Dylan Associates, 32a Stromness Street, Glasgow G5 8HS

Mr Archie Maciver, Brunton Millar Solicitors accompanied by Mr Haq, Clyde Lets Limited, was heard on behalf of the premises licence holder.

In view of the letter of representation from West Dunbartonshire Community Health & Care Partnership, Mr John Russell, Head of Mental Health, Learning Disabilities and Addiction Services was heard in relation to the objection submitted.

Ms Ann Louise Crawford and Mr Thomas Hume were then heard in relation to the letter of objection and accompanying signed petition submitted on behalf of residents of Castlehill and surrounding areas.

**DECIDED:**

Following consideration of all matters before the Board, it was agreed that the application be refused on the grounds that the applicant had not provided robust and reliable evidence in terms of Section 26 of the Board's Licensing Policy Statement to rebut the presumption against grant of the application.

Following further representations by Mr Maciver, the Board directed that Section 25(2) of the Licensing (Scotland) Act 2005 would not apply to any application within a year.

(b) Applications for Variation of Premises Licence were submitted by the undernoted applicants for the undernoted premises:-

(i) **WDLBPREM/0061**

Name and Address of Premises: ps Maid of the Loch, the Pier, Pier Road, Balloch G83 8QX

Applicant/Licence Holder: Loch Lomond Steamship Company, c/o ps Maid of the Loch, The Pier, Pier Road, Balloch G83 8QX

Mr Ian Fernie, Director, Loch Lomond Steam Company was heard on behalf of the applicant, Loch Lomond Steam Company. Following consideration of all matters before the Board, it was agreed that the application be granted.

**DECIDED:**

That the application be granted.

**DECLARATION OF INTEREST**

Councillor Brown declared a non-financial interest in the undernoted item of business and intimated that he would remain in the meeting during consideration of the item and would take part in any decision reached by the Board.

(ii) **WDLBPREM/0200**

Name and Address of Premises: Fentons, 174 Main Street, Jamestown, Alexandria G83 8PN

Applicant/Licence Holder:

Oxford Hotels & Inns Management  
Ltd, 61 Chandos Place, London  
WC2N 4HG

Mr Archie Maciver, Brunton Millar Solicitors accompanied by Ms Longburn, the Designated Premises Manager of Fentons, and Mr Martin Keeley, Team Leader, Environmental Health were heard at the meeting.

Mr Meikle was heard in relation to the letter of objection submitted in relation to the application.

After consideration of all matters, the Board:-

**DECIDED:**

To agree that the application as confirmed by Mr Maciver be granted for the decking area only subject to the use of plastic glasses

The Board also requested that the Environmental Health Officers investigate the complaint of noise pollution at the premises.

**DECLARATION OF INTEREST**

Councillors McNair, Sorrell and Casey declared a non-financial interest in the undernoted item of business, being members of the West Dunbartonshire Community Health and Care Partnership, given that an objection had been submitted in relation to application by a subgroup of the West Dunbartonshire Alcohol and Drug Partnership. The three Members intimated that they would take part in any decision reached by the Board.

**(iii) WDLBPREM/0096**

Name and Address of the Premises:

Lucky Break Snooker Club, 26/30 Glasgow  
Road, Clydebank G81 1SE

Applicant/Licence Holder:

Idrigil Limited, c/o Blair and Bryden, 23  
Kilbowie Road, Clydebank G81 1TL

**DECIDED:**

Having heard the Clerk to the Licensing Board, it was agreed that consideration of the application would be continued to the next meeting of the Licensing Board.

**PREMISES REVIEW FOR REDS, UNIT 36, 1<sup>ST</sup> FLOOR SYLVANIA WAY SOUTH,  
CLYDE SHOPPING CENTRE, CLYDEBANK**

In terms of Section 38(1) of the Licensing (Scotland) Act, the Licensing Board considered an Application for Review of a Premises Licence from the Chief Constable of Police Scotland in respect of the premises known as Reds, Unit 36, First Floor Sylvania Way South, Clyde Shopping Centre, Clydebank.

Mr Maciver, Brunton Miller Solicitors accompanied by Mr Christopher Thayne, Director, Reds Snooker Club Limited and Mr David Calvert, Designated Premises Manager of Reds was heard on behalf of the premises licence holder, Reds Snooker Club Limited. Inspector Wyllie, Sergeant Hendry and Mrs Queen were in attendance on behalf of the Chief Constable, Police Scotland.

After consideration of all matters before the Board, the Board agreed to hold that the grounds of review of preventing crime and disorder, securing public safety and preventing public nuisance had been established.

Mr Maciver was given the opportunity to address the Board on the issue of remedy at the premises.

Thereafter, it was agreed that the premises licence be revoked with immediate effect on the grounds relevant to the licensing objectives of preventing crime and disorder, securing public safety and preventing public nuisance following consideration of the information provided in the application for review by Strathclyde Police and the report by the Licensing Standards Officer.

Having heard the Clerk in relation to the Personal Licence held by Mr Calvert and following discussion, the Board agreed:-

- (i) that in terms of Section 84(2) of the Licensing (Scotland) Act 2005 and having regard to the above findings of the Board, that a Personal Licence Holder, Mr David Calvert, had acted in a manner that was inconsistent with the above licensing objectives; and
- (ii) that in terms of Section 84(3)(a) of the Licensing (Scotland) Act 2005, a Hearing would be held before West Dunbartonshire Licensing Board at a future meeting to consider the Personal Licence held by Mr Calvert given the aforementioned findings of the Board.

**DECIDED:**

It was agreed:-

- (1) that the premises licence be revoked with immediate effect on the grounds relevant to the licensing objectives of preventing crime and disorder, securing public safety and preventing public nuisance following consideration of the information provided in the application for review by Strathclyde Police and the report by the Licensing Standards Officer.

- (2) that in terms of Section 84(2) of the Licensing (Scotland) Act 2005 and having regard to the above findings of the Board, that a Personal Licence Holder, Mr David Calvert, had acted in a manner that was inconsistent with the above licensing objectives; and
- (3) that in terms of Section 84(3)(a) of the Licensing (Scotland) Act 2005, a Hearing would be held before West Dunbartonshire Licensing Board at a future meeting to consider the Personal Licence held by Mr Calvert given the aforementioned findings of the Board.

**PREMISES REVIEW FOR JOHN BROWN'S BAR,  
1-3 CHALMERS STREET, CLYDEBANK**

In terms of Section 38(1) of the Licensing (Scotland) Act, the Licensing Board considered an Application for Review of a Premises Licence from the Chief Constable of Police Scotland in respect of the premises known as John Brown's Bar, 1-3 Chalmers Street, Clydebank.

Ms Joanna Millar, Millar Campbell Solicitors accompanied by Mr Graeme Adam, Designated Premises Manager and Ms Caroline Clark, Assistant Manageress were heard on behalf of the premises licence holder, Spinning Pubs Limited. Inspector Wyllie, Sergeant Hendry and Mrs Queen were in attendance on behalf of the Chief Constable, Police Scotland.

After consideration of all matters before the Board, the Board agreed to hold that the grounds of review of preventing crime and disorder, securing public safety and preventing public nuisance had been established.

Ms Millar was given the opportunity to address the Board on the issue of remedy at the premises.

After consideration, the Board agreed that a written warning letter, under Section 39(2)(a) of the Licensing (Scotland) Act 2005 and in terms of the licensing objectives of preventing crime and disorder, securing public safety and preventing public nuisance, be issued to the premises licence holder advising of the serious view that the Board takes of licencees who fail to comply with the law.

**DECIDED:**

The Board agreed that a written warning letter, under Section 39(2)(a) of the Licensing (Scotland) Act 2005 and in terms of the licensing objectives of preventing crime and disorder, securing public safety and preventing public nuisance, be issued to the premises licence holder advising of the serious view that the Board takes of licencees who fail to comply with the law.

**PREMISES REVIEW FOR THE BOULEVARD,  
1710 GREAT WESTERN ROAD, CLYDEBANK**

In terms of Section 38(1) of the Licensing (Scotland) Act 2005, the Licensing Board considered an Application for Review of a Premises Licence from the Chief Constable of Police Scotland in respect of the premises known as the Boulevard Hotel and Nightclub.

Mr Andrew Hunter, Harper MacLeod Solicitors accompanied by a representative of the licence holder, Mr Howlett, was heard on behalf of the licence holder, Greene King Brewing and Retailing Limited.

A representative of the previous licence holder, Mr Mohammed Akram, was also in attendance at the meeting.

Inspector Wyllie, Sergeant Hendry and Mrs Queen were in attendance on behalf of the Chief Constable, Police Scotland.

After consideration of all matters before the Board, it was agreed to hold that the grounds for review had not been established and that no action be taken in relation to the Review Hearing.

**DECIDED:**

It was agreed to hold that the grounds for review had not been established and that no action be taken in relation to the Review Hearing.

**CONSULTATION ON REGULATION OF SEXUAL ENTERTAINMENT VENUES**

A report was submitted by the Clerk to the Licensing Board inviting views on the regulation of sexual entertainment venues.

Following discussion and having heard the Depute Clerk in further explanation of the report, the Board agreed to delegate to the Clerk to the Licensing Board to prepare a response to the consultation for approval by members of the Board prior to the submission date of 24 September 2013.

**DECIDED:**

The Board agreed to delegate to the Clerk to the Licensing Board to prepare a response to the consultation for approval by members of the Board prior to the submission date of 24 September 2013.

The meeting closed at 2.27 p.m.