

## ITEM 12 – APPLICATION FOR VARIATION OF A PREMISES LICENCE

**Premises:** Casa Italia, 1 Montrose Street, Clydebank G81 2LQ.

**Applicant:** Senex Investments Limited, 4 Lynedoch Crescent,  
Glasgow G3 6EQ

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 111 - 112
Appendix 2	Application Form (with detailed Operating Plans)	Pages 113 - 124
Appendix 3	Letter of Objection from Mr Gordon Taylor	Pages 125 – 126
Appendix 4	Letter of objection from Mr Thomas MacEwan	Pages 127 - 129
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Appendix 6	Letter of objection from Mrs Marion MacEwan	Pages 135 - 137
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<b>Appendix 9</b>	<b>Objection from Mr &amp; Mrs Beck &amp; Family</b>	<b>Pages 143 – 146</b>
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## THE LICENSING (SCOTLAND) ACT 2005

Application for Variation of Premises Licences

Ref: WDLBPREM/0268

OBJECTIONS

**Name and Address of Premises:** Casa Italia, 1 Montrose Street, Clydebank, G81 2LQ

**Applicant/Licence Holder:** Senex Investments Limited, 4 Lynedoch Crescent,  
Glasgow, G3 6EQ

**Type of Premises:** On Sales (Restaurant)

**Proposed Variation:**

- 1) Amend licence condition 3 (appendix 2) to allow persons attending functions to consume alcohol after the meal and to allow very occasional use by patrons to have an alcoholic drink without food.
- 2) Amend licence condition 4, to allow occasional live music to allow live performances and dance facilities.
- 3) Delete licence condition 7, to allow patrons consuming meals in an approved external area to have alcohol as ancillary there to.
- 4) To allow outside drinking which will include four tables of four where patrons consuming meals may have an alcoholic drink as ancillary there to.
- 5) To add a small area to allow Musicians and dancing for functions to include Weddings and Dinner Dances.

**Police Authority Comments:** No objections

**Fire Authority Comments:** No Comments received

**Regulatory Services Comments:**Public Health/Environmental Health

1. Due to the potential disturbance to surrounding properties from patron noise outdoor drinking should be restricted to no later than 2100hours.
2. As the proposed variation to their premises licence includes providing live bands as entertainment we would have concerns regarding the noise disturbance that this could then cause.

The Good Practice Guide on the Control of Noise from Pubs and Clubs states that

- For premises where entertainment takes place on a regular basis, music and associated sources should not be audible inside noise-sensitive property at any time.

The applicant should be able to demonstrate that they can achieve this standard prior to being granted a licence that would enable them to provide entertainment on a regular basis.

### **LSO Comments**

#### **Section 3 (a) of application - referring to alteration/deletion of conditions**

1. "Amend to allow patrons attending functions to consume alcohol after meal - No Comment  
"..and to allow very occasional use by patrons to have an alcoholic drink without food" - LSO recommends that a condition be added limiting this occurrence to only be permissible during a pre-booked or ticketed function.
2. "Re licence condition 4, amend to allow occasional live music" LSO recommends that a condition be added limiting this occurrence to only be permissible during a pre-booked or ticketed function.
3. "Delete licence condition 7 to allow patrons consuming meals in an approved external area to have alcohol as ancillary thereto" LSO recommends a condition binding the consumption of alcohol outside the premises to the consumption of food.

#### **Section 3(b) of application - referring to variation of the information contained in the operating plan**

Q5 (g) - "add live performances" - LSO recommends that a condition be added limiting this occurrence to only be permissible during a pre-booked or ticketed function.  
Q5(c) - "add dance facilities" - LSO recommends that a condition be added limiting this occurrence to only be permissible during a pre-booked or ticketed function.  
Q5(d) - "Add outside drinking" LSO comments as per response in 3 above, recommends a condition binding the consumption of alcohol outside the premises to the consumption of food.

#### **Section 3 (c) of application - referring to variation to the layout plan contained in the licence**

1. "Add external area with 4 tables of 4....." No LSO comment.
2. "Add small area for musicians" - LSO comments that the Board should seek clarity on this matter, as to whether or not a PA system will be used for the amplification of live music, and if so Officers recommend that a condition should be added limiting this occurrence to only be permissible during a pre-booked or ticketed function.
3. "Show area which can be used for dancing" LSO recommends that a condition be added limiting this occurrence to only be permissible during a pre-booked or ticketed function.

**Community Council Comments:** No active Community Council

**Health Board Comments:** Objection

**Access Panel:** No comments received

**Additional Comments:** No additional comments received

# WEST DUNBARTONSHIRE LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

APPLICATION FOR VARIATION OF PREMISES LICENCE/  
PROVISIONAL PREMISES LICENCE\*

\*Delete as appropriate

rec. no. MW500108660 £200  
WEST DUNBARTONSHIRE 4P.  
COUNCIL

If you are completing this form by hand, please write legibly in block capitals using ink.

23 JUL 2014

## SECTION 1: APPLICANT INFORMATION

RECEIVED

1(a) Name, address, postcode and premises licence number of premises.

CASA ITALIA 1 MONTROSE STREET CLYDEBANK			
Post Code	G81 2LP	Premises Licence Ref. No.	WDLBPREM/0268

1(b) Please provide full name, address, postcode, telephone number and e-mail address of applicant.

GENEX INVESTMENTS LIMITED 4 LYNEDOCH CRESCENT GLASGOW			
Post Code	G3 6EQ	Telephone No.	E-mail address

## SECTION 2: MINOR VARIATIONS

2(a) Do you consider the proposed variation to be a minor variation?

YES ☐ NO ☒

(If the answer is YES, please complete the rest of Section 2. If NO, please go to Section 3)

2(b) Do you propose a variation to the layout plan which is not inconsistent with the operating plan for the Premises?

YES ☐ NO ☐

(If the answer is YES, please give details of the proposed variation below)

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- 2(c) Do you propose to restrict the terms on which children and young persons are admitted to the premises?

YES ☐ NO ☐

(If the answer is YES, please give details of the proposed variation below)

- 2(d) Do you propose to vary the information contained in the licence relating to the premises manager, including variation to substitute a new premises manager?

YES ☐ NO ☐

(If the answer is YES, please complete Section 4 below)

- 2(e) Do you propose any other variation as prescribed by Section 29(6)(d) of the 2005 Act?

YES ☐ NO ☐

(If the answer is YES, please give details of the proposed variation below)

### SECTION 3: OTHER VARIATIONS

- 3(a) Do you propose a variation to any of the conditions to which the licence is subject (other than those to which the licence is subject by virtue of Section 27(1))?

☐YES ☒ NO ☐

(If the answer is YES, please give details of the proposed variation below)

1. RE LICENCE CONDITION 3 (REFERRING TO APPENDIX 2, CONDITION 3). AMEND TO ALLOW PERSONS ATTENDING A FUNCTIONS TO CONSUME ALCOHOL AFTER THE MEAL AND TO ALLOW VERY OCCASIONAL USE BY PATRONS TO HAVE AN ALCOHOLIC DRINK WITHOUT FOOD.

2. RE LICENCE CONDITION 4, AMEND TO ALLOW OCCASIONAL LIVE MUSIC

SEE PAPER APART 1

3(a) Continued.

3. Delete LICENCE CONDITION 7 TO ALLOW PATRONS CONSUMING MEALS IN AN APPROVED EXTERNAL AREA TO HAVE ALCOHOL AS ANCILLARY THERETO.

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3(b) DO YOU PROPOSE TO VARY ANY OF THE INFORMATION CONTAINED IN THE OPERATING PLAN IN THE LICENCE  
YES ☒ NO ☐

(If the answer is YES, please give details of the proposed variation below)

Q5(a) ADD LIVE PERFORMANCES YES YES IN COLUMNS 2 & 3  
Q5(c) ADD DANCE FACILITIES YES YES IN COLUMNS 2 & 3  
Q5(d) ADD OUTSIDE DRINKING YES YES YES IN COLUMNS 2, 3 & 4  
~~Q5(e)~~

3(c) Do you propose a variation to the layout plan contained in the licence?

YES ☒ NO ☐

(If the answer is YES, please give details of the proposed variation below)

1. ADD 1 EXTERNAL AREA WITH 4 TABLES OF 4 WHERE PATRONS CONSUMING MEALS MAY HAVE AN ALCOHOLIC DRINK AS AN ANCILLARY THERETO
2. ADD SMALL AREA FOR MUSICIANS
3. SHOW AREA WHICH CAN BE USED FOR DANCING FOR WEDDINGS AND FUNCTIONS AND DINNER DANCES

3(d) Do you propose to vary any other information contained or referred to in the licence, including an addition, deletion or other modification?

YES ☐ NO ☒

(If the answer is YES, please give details of the proposed variation below)

#### SECTION 4: VARIATION TO SUBSTITUTE NEW PREMISES MANAGER



(If signing on behalf of the applicant please state in what capacity.)

I confirm that the contents of this application are true to the best of my knowledge and belief.

The application fee is enclosed ✓

Signature

(See Note 1 below)

Date

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

If agent, please provide name, address, telephone number and email address:

I have enclosed the relevant documents with this application – please tick the relevant boxes	
Premises Licence (See Note 2)	<input checked="" type="checkbox"/>
Operating Plan (see Note 3)	<input checked="" type="checkbox"/>
Layout Plans (see Note 3)	<input checked="" type="checkbox"/>
Planning certificate (See Note 4)	<input type="checkbox"/>
Building standards certificate (See Note 4)	<input type="checkbox"/>
Food hygiene certificate (See Note 4)	<input type="checkbox"/>
Copy of Personal Licence	<input type="checkbox"/>

#### Notes

##### Note 1:

##### **Data Protection Act 1998**

The information in this form will be used to update the relevant Premises Licence. Accordingly, the information contained in this form may be held on an electronic public register which may be available to members of the public on request.

##### Note 2:

The application must be accompanied by the Premises Licence to which the application relates, or if that is not practicable, a statement of the reasons for failure to produce the licence.

##### Note 3:

Where the proposed variation affects the current operating plan, please submit an operating plan including the proposed variations. Where the proposed variation affects the current layout plan, please submit 6 sets of plans showing the proposed new layout of the premises.

##### Note 4:

Applicants for variations involving structural alterations should submit the relevant Section 50 certificates with their application.

##### **Data Protection Act 1998**

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

Question 2

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

Day	ON Consumption	
	Opening time	Terminal hour
Monday	11:00 am	<del>2:00 am</del> 12 MIDNIGHT
Tuesday	11:00 am	<del>2:00 am</del> 12 MIDNIGHT
Wednesday	11:00 am	<del>2:00 am</del> 12 MIDNIGHT
Thursday	11:00 am	<del>2:00 am</del> 12 MIDNIGHT
Friday	11:00 am	<del>2:00 am</del> 1 AM
Saturday	11:00 am	<del>2:00 am</del> 1 AM
Sunday	11:00 am	<del>2:00 am</del> 12 MIDNIGHT

**Question 3**

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

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>		
<i>Tuesday</i>		
<i>Wednesday</i>		
<i>Thursday</i>		
<i>Friday</i>		
<i>Saturday</i>		
<i>Sunday</i>		

**Question 4**

*SEASONAL VARIATIONS*

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>YES</i>
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*\*If YES – provide details*

The premises may operate additional hours for the sale of alcohol over the festive period as defined by the Licensing Board subject to the grant of applications for extended hours.

Question 5

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

COL. 1 5(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	N/A	N/A
Restaurant facilities	YES	YES	YES
Bar meals	YES	YES	YES
5(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.	YES	YES	YES
Club or other group meetings etc.	YES	YES	YES
5(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	YES
Live performances - see 5(g)	<del>YES</del> YES	<del>YES</del> YES	<del>YES</del> YES
Dance facilities	<del>YES</del> YES	<del>YES</del> YES	<del>YES</del> YES
Theatre	NO	N/A	N/A

Films	NO	N/A	N/A
Gaming	NO	N/A	N/A
Indoor/outdoor sports	NO	N/A	N/A
Televised sport	<del>YES</del> NO	<del>YES</del> NO	<del>YES</del> 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	<del>YES</del> YES <del>NO</del>	<del>YES</del> YES <del>NO</del>	<del>YES</del> YES <del>NO</del>
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	N/A	N/A

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

Certain activities will take place prior to the commencement of core licensed hours (as indicated in Column 4 and as specified at 5(f) below) but only in conjunction with the sale of alcohol where additional licensed hours are permitted by virtue of an extension of hours granted in terms of Sections 67 or 68 of the Licensing (Scotland) Act 2005.

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.

1. Quiz nights.
2. Charity events.
3. The sale of food for consumption off the premises, including home delivery. (Alcohol will not be sold for home delivery.)

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

Children and young persons will be allowed access for the purpose of consuming a meal or attending a pre-booked function when accompanied by a person aged 18 or over.

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

Children and young persons of all ages.

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

When attending a pre-booked function, for the duration of the function; otherwise, until they have finished the consumption of a meal, provided that the same is ordered prior to 10:00 pm.

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

All public areas.

Question 7

*CAPACITY OF PREMISES*

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

182 persons

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

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## 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)

23 / 5 / 14

Capacity: AGENT

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.



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