

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, 13 September 2016 at 10.00 a.m.

Present: Councillors George Black, Jim Brown, Jonathan McColl, John Millar, John Mooney and Hazel Sorrell.

Attending: Peter Hissett, Clerk to the Licensing Board; Peter Clyde, Licensing Standards Officers; Carolann Anderson, Licensing Assistant and Nuala Borthwick, Committee Officer.

Apologies: Apologies for absence were intimated on behalf of Councillors Michelle McGinty and Tommy Rainey.

Councillor John Mooney 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 MEETINGS

The undernoted Minutes of Meetings were submitted and approved as correct records:-

- (1) the Minutes of Meeting of the Licensing Board held on Tuesday, 14 June 2016; and
- (2) the Minutes of Meeting of the Licensing Board held on Tuesday, 21 June 2016.

LICENSING BOARD HEARING PROCEDURES

There were submitted notes of the undernoted procedures to be followed:-

- (a) Procedure for an Application with Objection(s) or Representation(s); and
- (b) Procedure for Review of a Premises or Personal Licence.

**APPLICATION FOR VARIATION OF PREMISES LICENCE
IN TERMS OF THE LICENSING (SCOTLAND) ACT 2005
– ALDI, 80 BANK STREET, ALEXANDRIA G83 0LZ**

An application for Variation of Premises Licence for Aldi, 80 Bank Street, Alexandria G83 0LZ was submitted by Aldi Stores Limited, Holly Lane, Atherstone, Warwickshire CV9 2SQ.

It was noted that Mr Michael McDougall, Lindsays Solicitors and Mr George Anderson, Retail Manager, Aldi Stores Limited were in attendance on behalf of the applicant and was heard in support of the application.

It was noted that there were no objections to the application.

DECIDED:

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

**APPLICATION FOR VARIATION OF PREMISES LICENCE IN TERMS OF THE
LICENSING (SCOTLAND) ACT 2005 – THE MOUNTBLOW BAR,
832 DUMBARTON ROAD, DALMUIR, CLYDEBANK G81 4BS**

An application for Variation of Premises Licence for The Mountblow Bar, 832 Dumbarton Road, Dalmuir, Clydebank G81 4BS was submitted by Iona Pub Partnership Limited, Hamilton House, 70 Hamilton Drive, Glasgow G12 8DR.

It was noted that Ms Eleanor Collier, Regional Manager and Catherine Sweeney, Designated Premises Manager, Iona Pub Partnership Limited were in attendance on behalf of the applicant and Ms Collier was heard in support of the application.

It was noted that there were no objections to the application.

DECIDED:

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

**APPLICATION FOR VARIATION OF PREMISES LICENCE IN TERMS OF THE
LICENSING (SCOTLAND) ACT 2005 – THE STAG’S HEAD, 116 GLASGOW
ROAD, DUMBARTON G82 1JN**

An application for Variation of Premises Licence for The Stag’s Head, 116 Glasgow Road, Dumbarton G82 1JN was submitted by Mitchell & Butlers Retailing Limited, 27 Fleet Street, Birmingham B3 1JP.

It was noted that Mr Peter Lawson, Miller Samuel Hill Brown Solicitors, was in attendance on behalf of the applicant.

As a preliminary issue, it was clarified by Mr Lawson that the variation relating to children was no longer being sought by the applicant.

Mr Lawson was then heard on behalf of the licence holder in support of the amended application.

DECIDED:

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

**APPLICATION FOR VARIATION OF PREMISES LICENCE IN TERMS OF THE
LICENSING (SCOTLAND) ACT 2005 – CUCINA, UNIT 3, THE GALLERIES,
BALLOCH ROAD, BALLOCH G83 8SS**

An application for Variation of Premises Licence for Cucina, Unit 3, Balloch Road, Balloch G83 8SS was submitted by Cucina Ristorante Limited.

It was noted that Mr John Gilmour, McArthur Stanton Solicitors, accompanied by a representative of the licence holder, Mr Jason McMahon, were in attendance on behalf of the applicant and Mr Gilmour was heard in support of the application.

It was noted that there were no objections to the application.

DECIDED:-

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

**APPLICATION FOR PROVISIONAL PREMISES LICENCE IN TERMS OF THE
LICENSING (SCOTLAND) ACT 2005 – FORMER TOURIST INFORMATION
OFFICE, DUMBARTON ROAD, MILTON G92 2TZ**

An application for grant of a Provisional Premises Licence for the former Tourist Information Office, Dumbarton Road, Milton G92 2TZ was submitted by D K Amit Limited.

It was noted that Miss Zoe Calderwood, Solicitor, Miller Samuel Hill Brown Solicitors and Mr Manish Ranjan Kaushik were in attendance on behalf of the applicant and were heard in support of the application and in answer to Members' questions concerning control measures to support the responsible sale and delivery of alcohol from the premises. It was noted that the applicant agreed to amend the application to include that the delivery of alcohol would be ancillary to takeaway food deliveries only.

Mr John McBride, Bowling and Milton Community Council was heard in support of the objection to the application and in answer to Members' questions.

Following consideration of all matters before the Board, Councillor Mooney moved:-

That the application, as amended by the applicant, be granted.

As an amendment, Councillor Black moved:-

That the application be granted on the condition that only stipulated wines and beers would be included in the home delivery of alcohol.

On a vote being taken, one Member voted for the amendment and five voted for the motion. Therefore, the motion was accordingly declared carried.

DECIDED:-

That the application, as amended by the applicant, be granted.

**APPLICATION FOR PROVISIONAL PREMISES LICENCE IN TERMS OF THE
LICENSING (SCOTLAND) ACT 2005 – 320-322A DUMBARTON ROAD,
OLD KILPATRICK G60 5JE**

An application for grant of a Provisional Premises Licence for 320-322A Dumbarton Road, Old Kilpatrick G60 5JE was submitted by Mr Paul Uppal, Vieward, Lusset Road, Old Kilpatrick G60 5LU.

It was noted that the applicant was in attendance at the meeting and was represented by Mr Archie MacIver, Brunton Miller Solicitors. Mr Macivor was heard in support of the application and in answer to Members' questions.

It was noted that the objector, Ms Moira Harkness, was not in attendance at the meeting however Mr Maciver was heard in response to the terms of the objection.

DECIDED:-

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

**REVIEW OF A PERSONAL LICENCE IN TERMS OF THE LICENSING
(SCOTLAND) ACT 2005**

In terms of the Section 83(7) of the Licensing (Scotland) Act 2005, Members were requested to hold a Hearing to consider the Personal Licence held by Mr Stephen Sartain.

It was noted that both the licence holder and a representative of Police Scotland, Sergeant Walker, were in attendance at the meeting in order that a hearing could take place.

The Board heard from Sergeant Walker in relation to letter from Police Scotland and in answer to Members' questions.

DECIDED:-

Following consideration of the matter, the Board agreed:-

- (1) that the misconduct had been established; and
- (2) that the personal licence held by Mr Sartain 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 EXTENDED HOURS FOR
CHEERS, 1 BREWER'S LANE, DUMBARTON G82 1LB**

With reference to the Board's Policy on Extended Hours, an application was submitted for Extended Hours for an event on Sunday, 25 September 2016 (September Weekend).

Mr Barry Livingstone, Manager, was in attendance on behalf of the applicant, Castle Leisure Executive Pension Scheme, and was heard in support of the application. It was noted that there were no adverse comments from the Licensing Standards Officers or Police Scotland in respect of the proposed event.

DECIDED:

Following consideration, it was agreed that the application be granted.

**CHIEF CONSTABLE'S REPORT TO THE WEST DUNBARTONSHIRE
LICENSING BOARD FOR THE PERIOD 1 APRIL 2015 TO 31 MARCH 2016**

The Annual Report by the Chief Constable, Police Scotland was submitted in accordance with Section 12A of the Licensing (Scotland) Act 2005.

Having heard Sergeant Walker in further explanation of the report, the Board agreed:-

- (1) to acknowledge the very positive report and the good partnership working of Police Scotland with numerous partners to improve the regulation of licence holders and licensed activities in West Dunbartonshire;
- (2) to note that where a premises requires support, the successful joint working between the Police and Licensing Standards Officers provides premises with an effective plan to change the way a premises is managed enabling a major change in the management culture in a premises which leads to a major improvement in the behaviour of patrons; and

- (3) that officers would liaise with Police Scotland to arrange for Licensing Board members to visit to licensed premises.

VALEDICTORY

At the request of Mr John Gilmour, McArthur Stanton Solicitors, the Board acknowledged the work of the late Councillor Betty Brown, a former member of the Licensing Board during the 1970s, who had passed away on 28 June 2016.

The meeting closed at 11.19 a.m.