

WEST DUNBARTONSHIRE LICENSING BOARD

At a Meeting of West Dunbartonshire Licensing Board held in the Civic Space, 16 Church Street, Dumbarton on Tuesday 10 December 2019 at 10.00 a.m.

Present: Councillors Jim Brown, Ian Dickson, Diane Docherty, Marie McNair, John Millar and Brian Walker.

Attending: Peter Hessett, Clerk to the Licensing Board; Raymond Lynch, Depute Clerk to the Licensing Board; Peter Clyde, Licensing Standards Officer; Marie Grant, Licensing Assistant and Nuala Borthwick, Committee Officer.

Also attending: Sergeant Wendy Maginnis, Police Scotland.

Apology: An apology for absence was intimated on behalf of Councillor Jonathan McColl.

Councillor Jim Brown 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.

LICENSING BOARD HEARING PROCEDURES

The Licensing Board's Hearing Procedures for the following were submitted for information:-

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

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Licensing Board held on Tuesday, 10 September 2019 were submitted and approved as a correct record.

VARIATION IN THE ORDER OF BUSINESS

Having heard the Clerk, the Board agreed to vary the business as hereinafter minuted.

APPLICATION FOR VARIATION OF PREMISES LICENCE

An application for Variation of Premises Licence for Iceland, 66 Bank Street, Alexandria G83 0NH was submitted for consideration.

It was noted that Mr Niall Hassard, TLT Solicitors was in attendance on behalf of the applicant, Iceland Foods Limited.

Mr Hassard addressed the Board in support of the application and thereafter Mr Hassard answered questions from Members concerning the due diligence measures in relation to the home delivery of alcohol.

DECIDED:-

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

REVIEW OF PREMISES LICENCE

In terms of Section 38(1) of the Licensing (Scotland) Act 2005, Members considered the Review of Premises Licence for Haveli's Buffet Restaurant, 127 College Street, Dumbarton G82 1NH.

Having heard the Clerk to the Licensing Board, it was noted that the premises licence holder, Mr Santokh Singh was in attendance at the meeting and was represented at the meeting by Mr Macdonald, Macdonald Licensing. Thereafter, Mr Macdonald made a request to the Board for the application to be continued until after the outcome of the pending criminal proceedings against Mr Singh. Mr MacDonald also outlined a preliminary submission on the competence of the Review.

DECIDED:-

After consideration, the Board agreed that the Review Hearing be continued to the next meeting of the Licensing Board being held on Wednesday, 18 March 2020 at 2.00 p.m. in the Civic Space, Council Offices, Dumbarton G82 1QL.

APPLICATION FOR VARIATION OF PREMISES LICENCE

An application for Variation of Premises Licence for Tesco Express, 10 Rockbank Place, Hardgate, Clydebank G81 5NZ was submitted for consideration.

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

- (a) that the applicant Tesco Stores Limited, was represented at the meeting by Ms Francesca Ennis, Pinsent Masons Solicitors who was accompanied by a representative of the applicant, Mr Oliver Morgan, Regional Manager, Tesco Stores Limited; and
- (b) that a letter of objection from NHS Greater Glasgow and Clyde had been submitted in relation to the application however there was no representative from the Health Board in attendance at the meeting to address the Board on the terms of the letter of objection.

The Board then heard from Mr Peter Clyde, Licensing Standards Officer who advised that the application may be contrary to the Board's Statement of Licensing Policy, specifically Part 4 – Overprovision and that the combined capacity of premises of a similar type within the same locality as the subject premises was 124.51m². This combined capacity included the current capacity of the subject premises, which is 20 m². The capacity of this location had remained unchanged since 2018 when the Board had considered its Licensing Policy Statement.

Thereafter, Ms Ennis addressed the Board in relation to the application and a document pack in support of the application was distributed to members of the Board. Ms Ennis was then heard in answer to Members' questions and in response to the letter of objection from NHS Greater Glasgow and Clyde.

ADJOURNMENT

Having heard the Chair, Councillor Brown, the Board agreed to adjourn for a short period of time.

The Board reconvened at 11.08 a.m. with all Members listed on the sederunt in attendance.

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

That the application be granted.

As an amendment, Councillor Ian Dickson, moved:-

That the application be refused.

On a vote being taken, three Members voted for the motion and three Members voted for the amendment. There being an equality of votes, the Chair used his casting vote in favour of the motion which was accordingly declared carried.

DECIDED:-

It was agreed that the application be granted.

APPLICATION FOR EXTENDED HOURS

An application for Extended Hours for The Lounge by the Clyde, 1-3 & 6 Chalmers Street, Clydebank G81 1RT was submitted for consideration for Tuesday, 24 December 2019.

Mr Colin May, Operation Manager, KG Contracts Limited was in attendance on behalf of the applicant and was heard in support of the application. It was noted that there were no adverse comments from the Licensing Standards Officers in respect of the proposed event.

DECIDED:-

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

The meeting closed at 11.23 a.m.