

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 June 2014 at 10.00 a.m.

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

*Arrived later in the meeting.

Attending: Peter Hessett, Clerk to the Licensing Board; Raymond Lynch, Depute Clerk to the Licensing Board; John Stevenson, Section Head, Environmental Health; Peter Clyde and Lawrence Knighton, Licensing Standards Officers; Carol Anne Anderson, Licensing Assistant; and Nuala Borthwick, Committee Officer, Legal, Democratic and Regulatory Services.

Apology: Apologies for absence were intimated on behalf of Councillors Jonathan McColl, John Millar 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.

Thereafter, the Board agreed that Councillor Michelle McGinty be appointed to chair the meeting and accordingly Councillor McGinty 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 – Café on the Loch, The Gateway Centre, Ben Lomond Way, Loch Lomond Shores, Balloch' and 'Application for Provisional Premises Licence – 16 Castlehill Road, Dumbarton', being members of the West Dunbartonshire Community Health and Care Partnership, given that objections had been submitted in relation to the applications by a sub-group of the West Dunbartonshire Alcohol and Drug Partnership. All three Members intimated that they would remain in the meeting during consideration of the items of the business and would take part in any decisions reached by the Board.

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Licensing Board held on Wednesday, 11 March 2014 and the Minutes of the Special Meeting of the Licensing Board held on Wednesday, 21 May 2014 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) Procedure for an Application with Objections; and
- (b) Procedure for Review of a Premises or Personal Licence.

VARIATION IN THE ORDER OF BUSINESS

Having heard the Chair, Councillor McGinty, it was agreed that the order of business be varied as hereinafter minuted.

REVIEW OF PERSONAL LICENCE – MS KELLY BRYCE

In terms of Section 84(a)(2) of the Licensing (Scotland) Act 2005, Members were requested to hold a Hearing to consider the Personal Licence held by Ms Kelly Bryce.

It was noted:-

- (a) that both the licence holder and a representative of Police Scotland had been invited to attend the meeting in order that a Hearing could take place; and
- (b) that Ms Bryce had intimated in advance of the meeting that she was unable to attend.

DECIDED:-

The Board agreed to continue the Review Hearing to the meeting of the Board scheduled to be held on Tuesday, 9 September 2014.

REVIEW OF PERSONAL LICENCE – MR OSMAN NASEEM

In terms of Section 84(a)(2) of the Licensing (Scotland) Act 2005, Members were requested to hold a Hearing to consider the Personal Licence held by Mr Osman Naseem.

It was noted:-

- (a) that both the licence holder and a representative of Police Scotland had been invited to attend the meeting in order that a Hearing could take place; and
- (b) that Mr Naseem was not in attendance at the meeting; and
- (c) that Sergeant David Quinn, Licensing Sergeant was in attendance of behalf of the Chief Constable, Police Scotland.

DECIDED:-

The Board then heard from Sergeant Quinn who formally withdrawn the letter from the Chief Constable seeking a review of Mr Naseem's Personal Licence.

APPLICATION FOR PROVISIONAL PREMISES LICENCE IN TERMS OF THE LICENSING (SCOTLAND) ACT 2005

An application for a Provisional Premises Licence was submitted for the Café on the Loch, the Gateway Centre, Ben Lomond Way, Loch Lomond Shores, Balloch G83 8QL.

Mr Archie Maciver, Brunton Millar Solicitors, accompanied by a representative of the applicant, Mrs Lorraine Cadona, was heard on behalf of the applicant. It was noted that the application was amended so that the terminal hour for sale of alcohol for both on sales and off sales at the premises would be 6.00 p.m. and that any proposed functions would be dealt with by way of Extended Hours Application.

In view of the letter of objection from West Dunbartonshire Community Health & Care Partnership, Ms Helen Weir, Strategy Manager, Alcohol and Drug Partnership Lead was heard in relation to the objection submitted.

DECIDED:-

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

APPLICATION FOR PROVISIONAL PREMISES LICENCE IN TERMS OF THE LICENSING (SCOTLAND) ACT 2005

An application for a Provisional Premises Licence was submitted in respect of 16 Castlehill Road, Dumbarton G82 5BL.

Mr John Gilmour, McArthur Stanton Solicitors, accompanied by Mr Haq, Clyde Lets Limited, was heard on behalf of the licence holder.

In view of the letter of representation from West Dunbartonshire Community Health & Care Partnership, Mrs Helen Weir, Strategy Manager, Alcohol and Drug Partnership Lead was heard in relation to the objection submitted.

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

With the consent of the Board, it was agreed that a late objection from Councillor David McBride would be taken into consideration. Thereafter, Councillor McBride's objection was circulated to members of the Board and the applicant. Councillor McBride, who was in attendance at the meeting for this item of business, was heard in relation to his objection.

Mr Martin Hollern, a local resident, was then heard in support of the application.

DECIDED: -

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

Note: Councillor McNair entered the meeting during consideration of the above item and therefore did not taken part in the decision in relation to the application.

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

An application for Grant of a Premises Licence was submitted for the Bombay Grill, 19-21 Glasgow Road, Hardgate, Clydebank G81 5PJ.

Mr Peter Ferrier was in attendance on behalf of the applicant, Freeland Developments (Scotland) Limited.

DECIDED:-

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

**REVIEW OF PERSONAL LICENCE CONTINUED
FROM THE MEETING OF THE LICENSING BOARD HELD ON
11 MARCH 2014 - MR DAVID CALVERT**

With reference to the Minutes of Meetings of the Licensing Board held on 11 March 2014, 17 December 2013 and 17 September 2013 and in terms of Section 84(3)(a) of the Licensing (Scotland) Act 2005, a report was submitted by the Clerk to the Licensing Board providing information to assist the Board in considering the Review of the Personal Licence held by Mr Calvert given the findings of the Licensing Board

that Mr Calvert's conduct had been inconsistent with the licensing objectives of preventing crime and disorder, securing public safety and preventing public nuisance.

It was noted:-

- (a) that both the applicant and a representative of the Police authority had been invited to attend the meeting in order that a Hearing could take place;
- (b) that a copy of the Clerk's report had been issued to Members of the Board in advance of the meeting;
- (c) that Sergeant Quinn was in attendance on behalf of the Chief Constable, Police Scotland; and
- (d) that Mr Calvert was not in attendance at the meeting.

DECIDED:-

Following consideration of all matters before the Board, it was agreed that Mr Calvert's Personal Licence be revoked on the grounds that his conduct had been inconsistent with the licensing objectives of preventing crime and disorder, securing public safety and preventing public nuisance.

REVIEW OF PERSONAL LICENCE – MR NEIL STANSFIELD

With reference to the Minutes of Meeting of the Licensing Board held on 11 March 2014 and in terms of Section 84(3)(a) of the Licensing (Scotland) Act 2005, a report was submitted by the Clerk to the Licensing Board providing information to assist the Board in considering the Review of the Personal Licence held by Mr Stansfield given the findings of the Licensing Board that Mr Stansfield's conduct had been inconsistent with the licensing objectives of preventing crime and disorder and securing public safety.

It was noted:-

- (a) that both the applicant and a representative of the Police authority had been invited to attend the meeting in order that a Hearing could take place;
- (b) that a copy of the Clerk's report had been issued to Members of the Board in advance of the meeting;
- (c) that Sergeant Quinn was in attendance on behalf of the Chief Constable, Police Scotland; and
- (d) that Mr Stansfield was not in attendance at the meeting.

DECIDED:-

Following consideration of all matters before the Board, it was agreed that no action be taken in relation to the review of Mr Stansfield's Personal Licence.

REVIEW OF PERSONAL LICENCE – MR IAN URQUHART

Having heard the Chair, Councillor McGinty, it was noted that Mr Urquhart was not in attendance at the meeting and agreed that the Review Hearing would be continued to the next meeting of the Licensing Board scheduled to be held on 9 September 2014 to provide Mr Urquhart with a further opportunity to attend.

DECIDED:-

The Board agreed that the Review Hearing would be continued to the next meeting of the Licensing Board scheduled to be held on 9 September 2014.

REVIEW OF PERSONAL LICENCE – MR JOHN MCGINLEY

Having heard the Chair, Councillor McGinty, it was noted that Mr McGinley was not in attendance at the meeting and agreed that the Review Hearing would be continued to the next meeting of the Licensing Board scheduled to be held on 9 September 2014 to provide Mr McGinley with a further opportunity to attend.

DECIDED:-

The Board agreed that the Review Hearing would be continued to the next meeting of the Licensing Board scheduled to be held on 9 September 2014.

REVIEW OF PERSONAL LICENCE – MS KELLY BRYCE

Having heard the Chair, Councillor McGinty, it was noted that Ms Bryce was not in attendance at the meeting and had requested an adjournment in advance of the meeting. The Board agreed that the Review Hearing would be continued to the next meeting of the Licensing Board scheduled to be held on 9 September 2014 to provide Ms Bryce with a further opportunity to attend.

DECIDED:-

The Board agreed that the Review Hearing would be continued to the next meeting of the Licensing Board scheduled to be held on 9 September 2014.

EXTENSIONS TO LICENSING HOURS OVER THE FESTIVE PERIOD

A report was submitted by the Clerk to the Licensing Board proposing a policy on the granting of Applications for Extended Hours over the 2014/2015 Festive Period in terms of Section 68 of the Licensing (Scotland) Act 2005.

DECIDED:-

- (1) that the period for granting applications for extended hours in respect of the 2014/2015 Festive Period should be from Monday, 1 December 2014 to Thursday, 1 January 2015;
- (2) that application for extended hours for the festive period from all holders of premises licences be permitted for the dates and hours as detailed in table 1 of the appendix to the report;
- (3) that applications for extended hours for the festive period be available to those holders of premises licences who have a separate function room in their premises and have planned functions booked during the dates and hours as per table 2 in the appendix to the report. These extensions being only permitted in respect of the separate function rooms where appropriate festively themed entertainment is provided;
- (4) that premises licence holders without significant entertainment (public houses, hotel bars and members' clubs fall into this category) may apply for extended hours to 3.00 a.m. on Hogmanay on condition that last entry to the premises is 11.00 p.m. and the event is pre-ticketed;
- (5) that authority for the granting of applications for extensions to licensing hours over the Festive Period be delegated to the Clerk to the Licensing Board, if in accordance with the foregoing agreed recommendations;
- (6) that should applications for extended hours be submitted which fall outwith the agreed hours, or aforementioned recommendations, then any such applications will require to be submitted to the Board for consideration; and
- (7) that approval of any late applications for festive extensions would be delegated to the Clerk to the Licensing Board in consultation with the Chair of the Licensing Board.

DATES FOR FUTURE MEETINGS

The Board agreed the following dates for future meetings of the Licensing Board:-

Tuesday, 9 September 2014 at 10.00 a.m. in Committee Room 3, Council Offices, Garshake Road, Dumbarton.

Tuesday, 16 December 2014 at 10.00 a.m. in Committee Room 3, Council Offices, Garshake Road, Dumbarton.

Tuesday, 10 March 2015 at 10.00 a.m. in Committee Room 3, Council Offices, Garshake Road, Dumbarton.

Tuesday, 16 June 2015 at 10.00 a.m. in Committee Room 3, Council Offices, Garshake Road, Dumbarton.

ADJOURNMENT

After hearing the Chair, Councillor McGinty, the Board agreed to adjourn at 12.25 p.m. and reconvene at 2.00 p.m.

The meeting reconvened at 2.00 p.m. with all members shown on the sederunt in attendance.

APPLICATION FOR VARIATION OF PREMISES LICENCE IN TERMS OF THE LICENSING (SCOTLAND) ACT 2005 – THE TELSTAR, 316 DUMBARTON ROAD, OLD KILPATRICK G60 5JH

An application for Variation of Premises Licence was submitted by Mr Robert O'Donnell for The Telstar, 316 Dumbarton Road, Old Kilpatrick G60 5JH.

Reference: WDLBPREM/0043

Name and address of premises: The Telstar, 316 Dumbarton Road, Old Kilpatrick G60 5JH

Applicant/licence holder: Robert O'Donnell, Glenhead Tavern, Dumbarton Road, Duntocher G81 6HD.

The applicant, Mr Robert O'Donnell was in attendance and requested that the application be continued to a future meeting of the Licensing Board given that there was an outstanding issue with the planning authority.

DECIDED:-

That the application be continued to the next meeting of the Licensing Board on 9 September 2014.

APPLICATION FOR TRANSFER OF PREMISES LICENCE IN TERMS OF THE LICENSING (SCOTLAND) ACT 2005

An application for Transfer of Premises Licence was submitted by Mr Robert O'Donnell for The Railway Inn, 109 Dumbarton Road, Bowling G60 5BQ.

Reference: WDLBPREM/0024

Name and address of premises: The Railway Inn, 109 Dumbarton Road,
Bowling G60 5BQ

Applicant/Licence Holder: Robert O'Donnell, Glenhead Tavern,
Dumbarton Road, Duntocher G81 6HD.

The applicant, Mr O'Donnell was in attendance at the meeting.

DECIDED:-

That the application be granted.

**APPLICATION FOR VARIATION OF PREMISES LICENCE IN TERMS OF THE
LICENSING (SCOTLAND) ACT 2005 – CLUB MANGO, 68 DUMBARTON ROAD,
CLYDEBANK G81 1UG**

An application for Variation of Premises Licence was submitted by Naseem Akram for Club Mango, 68 Dumbarton Road, Clydebank G81 1UG as undernoted:

Reference WDLBPREM/0045

Name and Address of Premises: Club Mango, 68 Dumbarton Road, Clydebank
G81 1UG

Applicant/licence Holder: Naseem Akram, 3 Gleddoch View, Dumbarton
G82 4BL

Mr Archie Maciver, Solicitor, Brunton Miller Solicitors was in attendance on behalf of the applicant, Mrs Akram.

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

Miss Kirsty Ayre and Mr John Davidson, objectors to the application, were then heard in relation to the letter of objection and accompanying signed petition submitted on behalf of residents and business owners in the surrounding area.

Mr William Milne was also heard in relation to the letter of representation from Warrington Property Maintenance Limited.

Mr Maciver, accompanied by Mr Akram, was heard on behalf of the licence holder.

Following consideration of all matters before the Board, it was agreed:-

- (1) that the proposed variation to amend the terminal hour for sale of alcohol for consumption on the premises to 3.00 a.m. be granted; and
- (2) that the proposed variation to increase the capacity of the premises from 300 to 400 people be refused.

DECIDED:

- (1) that the proposed variation to amend the terminal hour for sale of alcohol for consumption on the premises to 3.00 a.m. be granted; and
- (2) that the proposed variation to increase the capacity of the premises from 300 to 400 people be refused.

**APPLICATION FOR VARIATION OF PREMISES LICENCE IN TERMS
OF THE LICENSING (SCOTLAND) ACT 2005 – CLYDEBANK BOWLING CLUB,
11 JOHN KNOX STREET, CLYDEBANK G81 1NF**

An application for Variation of Premises Licence was submitted for Clydebank Bowling Club, 11 John Knox Street, Clydebank G81 1NF.

Ref WDLBPREM/0248

Name and Address of Premises: Clydebank Bowling Club, 11 John Knox Street,
Clydebank G81 1NF.

Applicant/Licence Holder: Clydebank Bowling Club, 11 John Knox Street,
Clydebank G81 1NF.

Mr Archie Maciver, Solicitor, Brunton Miller Solicitors, accompanied by Mr Burnett, was in attendance on behalf of the applicant, Clydebank Bowling Club.

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

DECIDED:-

That the application be granted.

The meeting closed at 2.45 p.m.