

## **WEST DUNBARTONSHIRE LICENSING BOARD**

At a Meeting of West Dunbartonshire Licensing Board held in Meeting Room 3, Council Offices, Garshake Road, Dumbarton on Tuesday, 10 May 2011 at 10.00 a.m.

**Present:** Councillors George Black, Jim Brown, Geoff Calvert and Ronnie McColl.

**Attending:** Andrew Fraser, Clerk to the Licensing Board; Lawrence Knighton, Licensing Standards Officers; Nuala Borthwick, Committee Officer and Marie McCran, Administrative Assistant, Legal, Administrative and Regulatory Services.

**Also Attending:** Sergeant George Stewart, Licensing Sergeant and Karen Queen, Strathclyde Police.

**Apology:** Apologies for absence were intimated on behalf of Councillors Gail Casey, Jim Finn and 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.

### **MINUTES OF PREVIOUS MEETING**

The Minutes of the Special Meeting of the Licensing Board held on 19 April 2011 were submitted and approved as a correct record.

### **APPLICATIONS FOR VARIATION OF PREMISES LICENCE IN TERMS OF THE LICENSING (SCOTLAND) ACT 2005**

Applications for Variation of Premises Licence were submitted by the undernoted applicants in respect of the undernoted premises:-

#### **(a) WDLBPREM/0004**

Name and Address of premises: The Station Bar, 140-142 Bank Street,  
Alexandria G83 0UL

Applicant/Licence Holder: Shona Methven, 140 Bank Street,  
Alexandria G83 OUL

The Board noted:-

- (a) that the applicant, Ms Shona Methven, was in attendance at the meeting; and
- (b) that the proposed variation involved a change to the Operating Plan when alcohol would be sold for consumption both on and off the premises as undernoted:-

Sunday 11.00 a.m. to 12 midnight (on sales)

Sunday 11.00 a.m. to 10.00 p.m. (off sales)

Following consideration of the application, the Board agreed that the application be granted.

**(b) WDLBPREM/0010**

Name and Address of premises: Lidl, Livingstone Stone,  
Clydebank G81 2XA

Applicant/Licence Holder: Lidl UK GmbH, 19 Worples Road,  
Wimbledon, London SW19 4JS

The Board noted:-

- (1) that the applicant was represented by Mr Christopher McKellar, Lidl UK GmbH; and
- (2) that the proposed variation included:-
  - (i) a change to the Operating Plan when alcohol would be sold for consumption off the premises on Monday to Sunday from 10.00 a.m. to 10.00 p.m.; and
  - (ii) a change to the Operating Plan to increase the alcohol display area from 34.74m<sup>2</sup> to 44.1m<sup>2</sup>.

The Board then heard from the Clerk to the Licensing Board who advised that, in terms of the Board's Overprovision Policy, an increase in the alcohol display area would be contrary to the Policy which required the applicant to justify the requirement for an increase in the alcohol display area against each of the Licensing Objectives.

Thereafter the Board heard from Mr McKellar who addressed the Board on the need for additional shelving to accommodate special promotions of alcohol. Thereafter, Mr McKellar answered questions from Members.

After consideration the Board agreed:-

- (1) to grant the change to the Operating Plan when alcohol would be sold for consumption off the premises on Monday to Sunday from 10.00 a.m. to 10.00 p.m.;
- (2) to note that the Board's Overprovision Statement had been agreed following consideration of extensive evidence which showed the detrimental impacts of new or increased capacities of premises on the Licensing Objectives; and
- (3) to refuse the proposed increase in the alcohol display area on the grounds that:-
  - (a) the Licensing Board considers that the granting of the application would be inconsistent with all the licensing objectives detailed in Section 4 of the Licensing (Scotland) Act 2005; and
  - (b) having regard to the number and capacity of licensed premises of the same or similar description as the subject premises, in the locality in which the subject premises are situated, the Board considers that if the application were to be granted, there would as a result, be overprovision of licensed premises, or licensed premises of that description, in the locality.

**(c) WDLBPREM/0019**

Name and Address of premises:                      The Balloch House, Balloch Road, Balloch  
G83 8LQ

Applicant/Licence Holder:                              Mitchell & Butlers Retail Limited, 27 Fleet  
Street, Birmingham B3 1JP

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

- (a) that the applicant was represented at the meeting by Miss Audrey Young, Hill Brown Solicitors,
- (b) that the proposed variation involved an amendment to Condition 2(a) Appendix 2 of the licence so that children and young persons did not require to consume a meal when present in the external area of the premises and in the internal lounge area denoted as Trading Area 7 on the layout plan of the premises;
- (c) that at the meeting of the Licensing Board held on 30 June 2010, the applicant was granted an Application for Variation of Premises Licence up to 31 October 2010 allowing children and young persons to be present on specified areas of the premises without the requirement of consuming a meal to enable the premises to benefit from relaxation of the Board's Licensing Policy during the tourist season; and

- (d) that following the review of the Licensing Policy Statement, the Board had included a revival that in tourist areas, children could be present in premises other than for the purpose of attending a pre-booked function or having a meal provided that individual premises could satisfy the Board that tourism was a significant part of their trade.

The Board then heard from Miss Young who advised the Board as to the tourist trade undertaken by the premises and that the premises had successfully operated with the temporary relaxation of hours over the previous summer period until October 2010 and thereafter, had received complaints for refusing to serve drinks to tourists with children who did not wish to consume a meal. Thereafter, copies of the complaints received by the applicant were distributed to Members for their information. It was noted that the complaints advised that other named premises within the vicinity of the applicant premises were allowing children and young persons on their premises without consuming a meal.

Following discussion and having heard the Clerk to the Licensing Board and the Licensing Standards Officer in answer to Members' questions, the Board agreed:-

- (1) that the application be granted; and
- (2) that given the comments made in relation to other licensed premises not operating in accordance with the Licensing Policy Statement, Licensing Standards Officers would robustly follow up on any complaints received in relation to such premises.

**(d) WDLBPREM/0040**

Name and Address of premises: Khaira Grocers, 11a Halkett Crescent,  
Rosshead, Alexandria G83 0QZ

Applicant/Licence Holder: Rajbir Khaira, 11a Halkett Crescent,  
Rosshead, Alexandria G83 0QZ

It was noted that the applicant was in attendance at the meeting.

The Board noted that the proposed variation involved a change to the Operating Plan when alcohol would be sold for consumption off the premises on Monday to Sunday from 10.00 a.m. until 10.00 p.m.

Following consideration of the application, the Board agreed that the application be granted.

**ADJOURNMENT**

After hearing the Clerk to the Licensing Board, the Board agreed to adjourn at 10.20 a.m. for a period of 10 minutes.

The meeting reconvened at 10.28 a.m. with all Members shown on the sederunt in attendance.

**(e) WDLBPREM/0055 & (f) WDLBPREM/0188**

Name and Address of premises: Clydebank Co-op, 393 Kilbowie Road,  
Clydebank G81 2TX

Clydebank Co-op, 138 Dumbarton Road,  
Parkhall, Clydebank G81 3NQ

Applicant/Licence Holder: Clydebank Co-operative Group Limited, 2  
Sylvania Way South, Clydebank G81 1EA

The Board then heard from the Clerk to the Licensing Board concerning the above applications submitted by Clydebank Co-operative Group Limited. Following discussion and in agreement with the applicant, the Board agreed that the two applications would be dealt with together in terms of the Board's Overprovision Policy Statement.

Following discussion and having heard the Clerk to the Licensing Board, it was noted:-

- (a) that the applicant was represented at the meeting by Mr Sean Heggarty, Operations Manager, Clydebank Co-operative Group Limited and Ms Penny Galloway, Solicitor, BMK Wilson Solicitors;
- (b) that whilst the application for the premises at Kilbowie Road resulted in an increase in capacity of 0.84m<sup>3</sup>, the application for the premises at Duntocher Road resulted in a decrease in capacity of 0.83m<sup>3</sup>, resulting in a minimal overall increase of 0.01m<sup>3</sup>; and
- (c) that in light of the minimal overall increase in capacity, and the close proximity of the two premises, the Board did not consider that the two applications taken together would contravene the Overprovision Policy.

Thereafter, it was agreed that both applications be granted.

**(g) WDLBPREM/0253**

Name and Address of premises: Reds Snooker Club, Unit 36, Sylvania Way  
South, Clyde Shopping Centre, Clydebank  
G81 1EA

Applicant/Licence Holder: Reds Snooker Club Limited, Oakfield  
House Business Centre, 31 Main Street  
Village, East Kilbride G74 4JU

An application for Variation of a Premises Licence was submitted by the above Applicant in respect of the above premises.

It was noted:-

- (a) that the applicant was represented at the meeting by Miss Tracey Mundie, Brunton Miller Solicitors;
- (b) that the variation involved a change to the Operating Plan when alcohol would be sold for consumption on the premises as undernoted:-

Monday to Thursday – 10.00 a.m. to 12 midnight

Friday and Saturday – 10.00 a.m. to 1.00 a.m. the following day

Sunday – 12.30 p.m. to 12 midnight

The Board noted that the proposed variation involved a change to the Operating Plan when alcohol would be sold for consumption off the premises on Monday to Sunday from 10.00 a.m. until 10.00 p.m.

Following consideration of the application and having heard Miss Mundie in answer to Members' questions, the Board agreed that the application be granted to operate from 10.00 a.m. for funerals only subject to the Board's conditions relating to early opening for funerals.

**(h) WDLBPREM/0099**

Name and Address of premises: Boundary Bar, 596-598 Glasgow Road,  
Clydebank G81 1JA.

Applicant/Licence Holder: Punch Taverns (Inns) Limited, Jubilee  
House, Second Avenue, Burton on Trent  
DE14 2WF.

Having heard the Clerk, it was noted that the applicant was not in attendance at the meeting therefore it was agreed that consideration of the application be continued until the next meeting of the Licensing Board and that the applicant be given a further opportunity to attend that meeting.

**ANY OTHER COMPETENT BUSINESS**

The Board heard from the Clerk to the Licensing Board in relation to an Application for an Occasional Licence for the forthcoming event 'John Hartson Live in Clydebank' being held in the Hub Community Centre, Kilbowie Road, Clydebank on Friday, 3 June 2011.

It was noted:-

- (a) that a representation had been received from the Chief Constable of Strathclyde Police making a representation in relation to the application concerning the numbers attending the event and the stewarding of the event; and

- (b) that it was open to the Board to consider the application at this meeting or at a Special Meeting of the Board convened at a future date.

Thereafter, the Board heard from the Clerk in relation to the representation submitted by the Chief Constable of Strathclyde Police concerning the possible numbers attending the event and the stewarding of the event. It was noted that the letter from Strathclyde Police provided information on suggested measures to enable the event to go ahead.

After discussion and having heard the Clerk to the Licensing Board and the Licensing Sergeant in answer to Members' questions, the Board agreed:-

- (1) that the application be granted subject to a condition being attached to the licence that Security Industry Authority registered stewards must be on duty for the duration of the event;
- (2) that the number of stewards that required to be on duty at the event would depend on the number of ticketed sales for the event having regard to advice from Strathclyde Police and the Licensing Standards Officers; and
- (3) that the applicant must provide assurance that trained first aiders would be on duty at the event.

The meeting closed at 10.55 a.m.