

# *West Dunbartonshire Licensing Board*

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18 April 2019

## **SPECIAL MEETING OF WEST DUNBARTONSHIRE LICENSING BOARD:- THURSDAY, 2 MAY 2019**

Dear Sir/Madam

Notice is hereby given that a Special Meeting of West Dunbartonshire Licensing Board will be held in The Civic Space, 16 Church Street, Dumbarton at 1.00 p.m. on Thursday, 2 May 2019. **The pre-meeting for Board Members will be held in the Civic Space commencing at 12.45 p.m.**

The agenda for the meeting is attached. Members are requested to note that the document pack contains confidential information that should not be made available to the press or public.

I shall be obliged if you will advise Nuala Borthwick, Committee Officer (telephone 01389 737594 or email [nuala.borthwick@west-dunbarton.gov.uk](mailto:nuala.borthwick@west-dunbarton.gov.uk)) if you are unable to attend the meeting.

Yours faithfully

**PETER HESSETT**

Clerk to the Licensing Board

**Distribution:-**

Councillor Jim Brown (Chair)  
Councillor Ian Dickson  
Councillor Diane Docherty  
Councillor Marie McNair  
Councillor Jonathan McColl  
Councillor John Millar  
Councillor John Mooney  
Councillor Brian Walker

All other Councillors for information

Chief Executive

Date issued: 18 April 2019

**LICENSING BOARD - THURSDAY, 2 MAY 2019**

**AGENDA**

**1 APOLOGIES**

**2 DECLARATIONS OF INTEREST**

Members are invited to declare if they have an interest in any of the items of business on this agenda and the reasons for such declarations.

**3 LICENSING BOARD HEARING PROCEDURE 5 – 6**

Submit for information the Licensing Board's Hearing Procedure for an Application with Objection(s)/Representation(s).

**4 APPLICATION FOR PERSONAL LICENCE 7 - 15**

Submit for consideration application for Personal Licence for Mr Jon Flook.

In this respect, submit letter from the Chief Constable, Police Scotland.

**5 APPLICATION FOR VARIATION OF PREMISES LICENCE 17 - 36**

With reference to the Minutes of Meeting of the Licensing Board held on 12 March 2019 and 10 April 2019, submit for consideration application for Variation of Premises Licence for The Duntiglennan, Dumbarton Road, Duntocher, Clydebank G81 6DN.

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## LICENSING BOARD PROCEDURE NOTE

### Applications with Objection(s)/Representation(s) in terms of Section 22 of the Licensing (Scotland) Act 2005

The steps in the procedure are:-

1. Check whether applicant and/or agent and objectors are present. If there are a large number of objectors, a signing in sheet might be circulated around them.
2. If there are a large number of objectors, check who wants to speak. Advise them that all relevant and competent objections already submitted in writing will be fully considered. Also advise them that the Board is keen to avoid duplication of submissions. Invite objectors to appoint a spokesperson or spokespersons who can cover all of their objections.
3. Ask the applicant if there are any preliminary issues. This is the applicant's opportunity to object to objections. It is for the Board to decide whether an objection is vexatious or frivolous. The objector whose objection is being challenged should be asked for their comments.
4. Hear from Licensing Standards Officer and hear from Environmental Health and Planning if required.
5. Opportunity for applicant, then objectors, followed by Board Members and their advisor to put questions to LSO and any other party as above.
6. Hear from objectors in turn.
7. Opportunity for applicant to ask questions of objectors through the Chair, followed by questions from Board Members and their advisor.

8. Hear from applicant or agent.
9. Opportunity for objectors to put questions to applicant through Chair, followed by questions from Board Members and their advisor.
10. The LSO, any objectors and thereafter the applicant to be given an opportunity to sum up. No new material should be introduced at this stage.
11. Debate followed by decision.

**NOTE** – if there are any issues which the Board is concerned about (particularly issues which might result in a refusal) the Board should invite the applicant to address them on these issues.

**ITEM 4 – APPLICATION FOR PERSONAL LICENCE**

**Applicant:- Mr Jon Flook (address withheld)**

The following documents relating to the application are included as appendices as detailed below:-

<b><u>List of Productions:-</u></b>		<b><u>Page (s)</u></b>
<b>Appendix 1</b>	<b>Application Form</b>	<b>Pages 9 - 13</b>
<b>Appendix 2</b>	<b>Letter from Police Scotland</b>	<b>Page 15</b>

**PLEASE NOTE THAT CONFIDENTIAL PAGES HAVE BEEN REMOVED**



## ITEM 5 – APPLICATION FOR VARIATION OF PREMISES LICENCE

**Premises:**                            **The Duntiglennan, Dumbarton Road, Duntocher,  
Clydebank G81 6DN.**

**Applicant:**                           **Hill Brown Licensing, in respect of DCSC Management  
Limited.**

The following documents relating to the application are included as appendices as detailed below:-

<b><u>List of Productions</u></b>		<b><u>Page (s)</u></b>
<b>Appendix 1</b>	<b>Details of proposed application and consultee responses</b>	<b>Pages 19 - 20</b>
<b>Appendix 2</b>	<b>Application Form (with detailed Operating Plans)</b>	<b>Pages 21 - 33</b>
<b>Appendix 3</b>	<b>Objection from Police Scotland</b>	<b>Pages 35 - 36</b>



## THE LICENSING (SCOTLAND) ACT 2005

### Application for Variation of Premises Licence

### Objection

Ref: WDLBPREM/0132

<b>Name and Address of Premises:</b>	The Duntiglenan Bar, Dumbarton Road, Duntocher, Clydebank, G81 6DN
<b>Applicant/Licence Holder:</b>	Hill Brown Licensing, in respect of DCSC Management Limited.
<b>Type of Premises:</b>	On and Off Sales.
<b>Proposed Application:</b>	In the Operating Plan, Question 5d is amended to include outdoor drinking, and an outdoor seating area measuring 10.718m <sup>2</sup> (wide) by 1.172m <sup>2</sup> (high) is proposed.
<b>Police Authority Comments:</b>	Objection.
<b>Licensing Standards Comments:</b>	<p>Board Members are directed to Paragraph 18.12 of the Statement of Licensing Policy;</p> <p><i>Where the proposed outdoor area is situated in a public footway, the Licensing Board will require applicants applying for such an area to have obtained consent from the Council's Roads Services under Section 59 of the Roads (Scotland) Act 1984. The Licensing Board expects that Premises Licence Holders will comply with all conditions which may be attached to that consent. Section 59 consent will require to be submitted along with any application which includes an outdoor area situated on a public footway.</i></p> <p><i>Such outdoor areas should only be used for the consumption of alcohol by those seated in the area – no external "vertical drinking" should take place on a public footway.</i></p>
<b>Fire Authority Comments:</b>	No comments received.
<b>Regulatory Services Comments:</b>	No comment.

**Community Council Comments:** No comments received.

**Health Board Comments:** No comments received.

**Access Panel:** No comments received.

**Additional Comments:** Section 59 consent application has been lodged with Roads Department.

Planning Consent has been granted to permit the use of outdoor seating between the hours of 11 a.m. and 9 p.m.

**Section 50 Certificates:** Not required.

**Decision:**

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