

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 15 September 2015 at 10.00 a.m.

Present: Councillors Gail Casey, Jonathan McColl, Marie McNair, John Millar and John Mooney.

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

Apologies: Apologies for absence were intimated on behalf of Councillors Jim Brown, Michelle McGinty and Hazel Sorrell.

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 at this point in the meeting.

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Licensing Board held on 16 June 2015 were submitted and approved as a correct record.

LICENSING BOARD HEARING PROCEDURE

A note of the Licensing Board's Hearing Procedure for an Application with Objection(s) or Representation(s) was submitted and noted.

CONTINUED APPLICATION FOR PROVISIONAL PREMISES LICENCE IN TERMS OF THE LICENSING (SCOTLAND) ACT 2005 – YOKER ATHLETIC FOOTBALL CLUB, HOLM PARK, 5B CAMPBELL STREET, CLYDEBANK G81 1LU

With reference to the Minutes of Meetings of the Licensing Board held on 10 March 2015 and 16 June 2015, a continued application for Provisional Premises Licence in respect of Yoker Athletic Football Club was submitted for consideration.

Ref: WDLBPREM/0281

Name and Address of Premises: Yoker Athletic Football Club, Holm Park,
5B Campbell Street, Clydebank G81 1LU.

Applicant: Yoker Athletic Football Club, Holm Park, 5B
Campbell Street, Clydebank G81 1LU.

It was noted:-

- (a) that the application had been continued from the meetings of the Licensing Board held on 10 March 2015 and 16 June 2015;
- (b) that the applicant's Section 50 Planning Certificate had now been granted.

DECIDED:-

That the application be granted.

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

An application for a Personal Licence was submitted for Mr James How.

Having heard the Clerk to the Licensing Board it was noted that Mr How was not in attendance at the meeting and that it was for the Board to decide whether or not the application be considered at the meeting or continued to a future meeting to allow Mr How a further opportunity to attend.

Councillor McNair moved that the Board continue the application to a future meeting of the Board to enable Mr How a further opportunity to attend.

As an amendment, Councillor Mooney moved that the Board consider the application at the meeting in the absence of the applicant.

On a vote being taken, 2 Members voted for the motion and 3 Members voted for the amendment. The amendment was accordingly declared carried.

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

DECIDED:-

That the application be refused.

**APPLICATION FOR VARIATION OF PREMISES LICENCE IN TERMS OF
THE LICENSING (SCOTLAND) ACT 2005 –
LIDL, LIVINGSTONE STREET RETAIL PARK, CLYDEBANK G81 2XA**

An application for Variation of Premises Licence for Lidl, Livingstone Street Retail Park, Clydebank G81 2XA was submitted as undernoted:-

Ref: WDLBPREM/0010

Name and address of Premises: Lidl, Livingstone Street Retail Park

Applicant: Lidl UK GmbH, Licensing Department,
Locking Castle Business Park, West Wick,
Weston Super Mare BS24 7TG

Mr Peter Clyde, Licensing Standards Officer, was heard in respect of the Licensing Standards Officer report.

Mr Andrew Hunter, Harper MacLeod Solicitors accompanied by Ms Tracey Broomfield, Lidl Licensing Manager, were in attendance and Mr Hunter was heard in support of the application and in answer to questions.

Mr Russell, Head of Mental Health, Learning Disabilities and Addiction Services, West Dunbartonshire Health & Social Care Partnership was heard in support of the objection to the application and in answer to Members' questions.

ADJOURNMENT

After hearing the Chair, Councillor Mooney, the Board agreed to adjourn at 10.45 a.m. for a short period of time.

The meeting reconvened at 10.55 a.m. with all Members shown on the sederunt in attendance.

Following consideration of all matters before the Board, it was agreed that the application be refused on the following grounds:-

- (1) that the granting of the application would be inconsistent with the licensing objective of protecting and improving public health as detailed in Section 4 of the Licensing (Scotland) Act 2005;
- (2) that, having regard for the Licensing Police Statement, the applicant was unable to provide robust and reliable evidence to the Board on why the benefit to the licensing objectives through the grant of the application, outweighed the detriment to the licensing objectives, particularly the health objective and accordingly the application was contrary to the Board's Licensing Policy Statement; and

- (3) that an increase in capacity at the premises would be contrary to the Board's Overprovision Policy.

DECIDED:-

That the application be refused on the following grounds:-

- (1) that the granting of the application would be inconsistent with the licensing objective of protecting and improving public health as detailed in Section 4 of the Licensing (Scotland) Act 2005;
- (2) that, having regard for the Licensing Police Statement, the applicant was unable to provide robust and reliable evidence to the Board on why the benefit to the licensing objectives through the grant of the application, outweighed the detriment to the licensing objectives, particularly the health objective and accordingly the application was contrary to the Board's Licensing Policy Statement; and
- (3) that an increase in capacity at the premises would be contrary to the Board's Overprovision Policy.

**APPLICATION FOR VARIATION OF PREMISES LICENCE IN
TERMS OF THE LICENSING (SCOTLAND) ACT 2005 – NEW CAFÉ PUNJAB, 26
ALEXANDER STREET, CLYDEBANK G81 1RZ**

Ref: WDLBPREM/0001

An application for Variation of Premises Licence was submitted for New Café Punjab, 26 Alexander Street, Clydebank G81 1RZ as undernoted:-

Name and Address of Premises: New Café Punjab, 26 Alexander Street,
Clydebank G81 1RZ

Applicant: Mr Paramjit Sidhu, 83 Drumry Road,
Clydebank G81 2EH

In view of the letter of objection from West Dunbartonshire Health & Social Care Partnership Alcohol and Drug Partnership, the Board heard from Mr Russell, Head of Mental Health, Learning Disabilities and Addiction Services, West Dunbartonshire Health & Social Care Partnership in support of his objection to the application and in answer to questions.

Mr Tom Steele, Brunton Millar Solicitors accompanied by Mr Lakhbir Sidhu, on behalf of the premises licence holder, was heard in support of the application and in answer to Members' questions.

Following consideration of all matters before the Board, it was agreed that the application be granted, subject to the following conditions:-

- (1) that the delivery of alcohol may only be carried on in conjunction with the delivery of a take away meal ordered and paid for within the permitted licensed hours for the sale of alcohol for consumption off the premises; and
- (2) that any person making such deliveries must be trained to the extent required by the training of staff requirements of Schedule 3 of the Licensing (Scotland) Act 2005.

DECIDED:-

That the application be granted, subject to the following conditions:-

- (1) that the delivery of alcohol may only be carried on in conjunction with the delivery of a take away meal ordered and paid for within the permitted licensed hours for the sale of alcohol for consumption off the premises; and
- (2) that any person making such deliveries must be trained to the extent required by the training of staff requirements of Schedule 3 of the Licensing (Scotland) Act 2005.

**APPLICATION FOR VARIATION OF PREMISES LICENCE IN TERMS OF THE
LICENSING (SCOTLAND) ACT 2005 – THE CLIPPER, 3 HIGH STREET,
DUMBARTON G82 1LF**

Ref: WDLBPREM/0162

An application for Variation of Premises Licence was submitted for The Clipper as undernoted:-

Name and Address of Premises: The Clipper, 3 High Street, Dumbarton
G82 1LF

Applicant: Castle Leisure Group Executive Pension
Scheme, c/o 52-54 King Street, Stirling FK8
1AY

It was noted that the hours requested by the applicant were within the Board's Policy. The Board agreed that the application be granted.

DECIDED:-

The Board agreed that the application be granted.

**APPLICATION FOR PROVISIONAL PREMISES LICENCE IN TERMS OF THE
LICENSING (SCOTLAND) ACT 2005 – HOME BARGAINS, UNIT 7A,
79 LIVINGSTONE STREET, CLYDEBANK RETAIL PARK,
CLYDEBANK G81 2XA**

An application for Provisional Premises Licence was submitted for Home Bargains as undernoted:-

Name and Address of Premises: Home Bargains, Unit 7a, 79 Livingstone Street, Clydebank Retail Park, Clydebank G81 2XA

Applicant: TJ Morris, t/a Home Bargains, Axis Business Park, Portal Way, Gillmoss, Liverpool L11 OJA

Having heard the Clerk, it was noted that an error had occurred in the notification process and the application had not been intimated to the correct community council for the area.

In the circumstances, it was agreed that the application be continued to a future meeting of the committee to enable the relevant notice period to be given to the correct consultees for the application.

DECIDED:-

It was agreed that the application be continued to a future meeting of the committee to enable the relevant notice period to be given to the correct consultees to the application.

**CHIEF CONSTABLE'S REPORT
TO WEST DUNBARTONSHIRE LICENSING BOARD
FOR THE PERIOD 1 APRIL 2014 TO 31 MARCH 2015**

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

Having heard Constable Higgins in further explanation of the report, the Board agreed the undernoted motion by Councillor McColl:-

To thank Chief Constable Stephen House, current Chief Superintendent Grant Manders and previous Chief Superintendent Helen Swann for the appropriate levels of policing work provided to the area in terms of licensing.

In particular, to thank the Licensing Sergeant and relevant local officers within Police Scotland for the assistance provided at all meetings of the Board to improve the regulation of licensing holders and licensed activities in West Dunbartonshire.

The meeting closed at 11.40 a.m.