

WEST DUNBARTONSHIRE LICENSING BOARD

At a Special Meeting of West Dunbartonshire Licensing Board held by Video Conference on Wednesday, 1 September 2021 at 2.01 p.m.

Present: Councillors Jonathan McColl, Ian Dickson, Diane Docherty, Caroline McAllister and Brian Walker.

Attending: Peter Hessett, Clerk to the Licensing Board; Raymond Lynch, Depute Clerk to the Licensing Board, Robert Mackie, Senior Officer (Licensing Services); Peter Clyde, Licensing Standards Officer; Lawrence Knighton, Licensing Standards Officer and Lynn Straker, Committee Officer.

Also Attending: Sergeant Wendy Maginnis, Police Scotland and Doctor Daniel Carter, Consultant in Public Health, NHS Scotland.

Apologies: Apologies for absence were intimated on behalf of Councillor John Millar.

Councillor Ian Dickson in the Chair

DECLARATIONS OF INTEREST

Councillor McColl declared an interest in Item 9 – Application for Occasional Licence – Golden Friendships Community Hall as he had previously made comments to the Press regarding support for Community groups and would not, in this circumstance, be considered objective. Councillor McColl agreed to leave the meeting in discussion of this Item.

PROCEDURE FOR SPECIAL LICENSING BOARD MEETING 1 SEPTEMBER 2021

Having heard the Chair, Councillor Dickson, the Licensing Board approved the Hearing Procedure for the meeting to be held by Zoom video conference.

MINUTES OF PREVIOUS MEETING

The Meeting of Licensing Board held on Wednesday, 30 June 2021 were submitted. A correction was required in stating the time when a Councillor joined the meeting

being detailed in the Minute. On this being updated, the Minute was approved as a correct record.

APPLICATION FOR VARIATION OF PREMISES LICENCE

An application was submitted for Variation of Premises Licence for Westhills Hotel, 17 Glasgow Road, Hardgate, Clydebank G81 5PJ for consideration.

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

- (a) that the Licence holder, Mr Ferrier, was in attendance at the meeting and was represented by Mr Archie McIver, Solicitor, Brunton Miller Solicitors; and
- (b) that no objections had been received for the application other than Licensing Standards Officer recommendation to the Board to consider it's overprovision policy due to the increase in capacity.

Mr McIver, Solicitor, Brunton Miller Solicitors, on behalf of Mr Ferrier, was then given the opportunity to address the Board and was heard in support of the application and in answer to questions from Members.

DECIDED:-

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

VARIATION IN ORDER OF BUSINESS

Having heard the Chair, Councillor Dickson, the Board agreed to vary the order of business as hereinafter minuted.

ARGYLL AND WEST DUNBARTONSHIRE LICENSING REPORT 2020 - 2021

The Argyll and West Dunbartonshire Licensing Report 2020 – 2021 which was written and published by Chief Constable, Police Scotland was submitted and noted.

Sergeant Wendy Maginnis, Police Scotland highlighted and recognised the excellent work between local authorities and Police Scotland in working collectively in a very challenging time to provide a high standard of service to our communities. Together it was recognised the crucial role played in supporting the national response to the COVID-19 pandemic, explaining the rules and following guidance and encouraging our fellow citizens to do the right thing.

* Sergeant Maginnis, Police Scotland left the meeting after this item.

APPLICATION FOR VARIATION OF PREMISES LICENCE

An application was submitted for Variation of Premises Licence for Burgh Bar, 117 High Street, Dumbarton G82 1LF for consideration.

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

- (a) that Mr Woodcock, Licence holder and Mr Rafferty, representative for applicant Punch Pubs Ltd. were in attendance at the meeting and were represented by Mr Michael McDougall, Solicitor, TLT Solicitors;
- (b) that if the Board were minded to grant the application for variation of hours on the licence, this should be conditional on the provision of significant entertainment as defined by the current Licensing Policy, specifically paragraphs 25.5, 25.6 and 25.7;
- (c) that the Board should also be aware that if the variation is granted, additional licence conditions should be applied, by requirement of The Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007; and
- (d) that the Licensing Standards Officer attended a site visit and advised any concerns members of the Licensing Board may have in relation to the operation of late opening premises were considered and addressed in advance.

Mr McDougall, Solicitor, TLT Solicitors was then given the opportunity to address the Board and was heard in support of the application and in answer to questions from Members. Mr McDougall advised it would be only the Lounge area which would require the variation of license and entertainment would be specific i.e. a band or charity event and the entertainment was geared toward a more mature audience.

Mr McDougall also advised if the application was granted, the license holder would be agreeable to conditions placed upon the license of last entry to the premises being midnight and the events being ticketed events only.

DECIDED:-

Following consideration of all matters before the Board, Councillor McColl moved a motion to grant the application with the following conditions applied:-

- (a) that the supply of alcohol on the premises in late opening hours would be ancillary to the provision of significant entertainment being provided, as detailed in the Licensing Policy;
- (b) that the last entry to the lounge area with late opening hours will be midnight; and
- (c) that entry to the lounge area will be ticketed entry only.

In amendment, Councillor Walker moved refusal of the application as it does not meet the requirement of the Licensing Policy.

On a roll call vote being taken 3 Members voted for the Motion, namely Councillors Dickson, McColl and McAllister and 2 Members voted for the amendment, namely Councillors Walker and Docherty. The motion to grant the application with agreed conditions was accordingly declared carried.

APPLICATION FOR VARIATION OF PREMISES LICENCE

An application was submitted for Variation of Premises Licence for Dunglass Service Station, Dumbarton Road, Milton, Dumbarton G82 2UB for consideration.

Having heard the Clerk to Board it was noted:-

- (a) that Mr Donohoe, representative for applicant Motor Fuels Ltd. was in attendance at the meeting and was represented by Andrew Hunter, Solicitor, Harper McLeod LLP;
- (b) that the Licensing Board may wish to consider its overprovision policy due to the increase in capacity; and
- (c) that a letter dated 12 August 2021 had been received from Director of Public Health, NHS Greater Glasgow and Clyde submitting an objection in relation to the application.

Mr Hunter, Solicitor, Harper McLeod LLP was then given the opportunity to address the Board and was heard in support of the application and in answer to questions from Members.

The Board then heard from Doctor Carter, Consultant in Public Health, NHS Scotland detailing the reason for objecting to the application, mainly:-

- (a) the premises is within a designated area of overprovision; and
- (b) the application is inconsistent with the licensing objective of Protecting and Improving Public Health.

DECIDED:-

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

* Doctor Carter left the meeting after this item.

APPLICATION FOR OCCASIONAL LICENCE

An application was submitted for Occasional Licence for Sweeney's Cruises, Drymen Road, Balloch, G83 8HT for consideration.

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

- (a) that the applicant, Mr Sweeney, had attempted to join the meeting but had been unable to, but was represented by Mr Hunter, Solicitor, Harper McLeod LLP who was in attendance in the meeting;
- (b) that a letter had been received from Planning Officer – Loch Lomond & The Trossachs National Park, which although is not an objection on Licensing grounds would require to be considered on Planning grounds if the application was made on a full basis and on a permanent basis in future; and
- (c) that having completed a site visit and met the applicant, the Licensing Standards Officer has no concerns with its proposed operation.

Mr Hunter, Solicitor, Harper McLeod LLP was then given the opportunity to address the Board and was heard in support of the application and in answer to questions from Members.

DECIDED:-

Following consideration of all matters before the Board, it was agreed that the application be granted with the condition that the last serving is 1 hour after the last sailing of the day returns to the harbour.

The Depute Clerk to the Licensing Board also asked if the Board would be in agreement that if the application was moved to be a full application, it could be considered on a delegated basis, assuming there were no objections. The Board agreed.

* Councillor McColl left the meeting after discussion of this item due to his Declaration of Interest in the next application.

APPLICATION FOR OCCASIONAL LICENCE(S)

Applications were submitted for three Occasional Licences for Golden Friendships Community Hall, 18 Nairn Place, Clydebank, G81 4AU for consideration.

Having heard the Clerk to Board it was noted:-

- (a) that Mr James McLaren, applicant was in attendance at the meeting;
- (b) that there was an admin error on Page 75 of the Document Pack and the Occasional Licence application was for the hours of 11.00 a.m. – 01.00 a.m. and not 23:00 p.m. – 01.00 a.m.; and

- (b) that the Board may wish to consider the number of occasional licences that it is appropriate to issue in a 12 month period as per Section 56 (6).

Mr McLaren, applicant was then given the opportunity to address the Board and was heard in support of the application and in answer to questions from Members.

DECIDED:-

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

The meeting closed at 4.20 p.m.