

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, 11 March 2014 at 10.00 a.m.

Present: Councillors Jim Brown*, Jonathan McColl, Michelle McGinty, Marie McNair, John Millar, John Mooney 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: An apology for absence was intimated on behalf of Councillor Gail Casey.

Councillor John Mooney in the Chair

DECLARATIONS OF INTEREST

Councillors McColl, McNair, Mooney and Sorrell declared a non-financial interest in the item of business entitled 'Application for Provisional Premises Licence for a proposed hotel lodge and new pub restaurant on the land to the east of Old Luss Road and west of Ben Lomond Way, Balloch', being members of the West Dunbartonshire Community Health and Care Partnership, given that an objection had been submitted in relation to the application by a sub-group of the West Dunbartonshire Alcohol and Drug Partnership. All four Members intimated that they would remain in the meeting during consideration of the item of business and would take part in any decision reached by the Board.

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Licensing Board held on 5 February 2014 were submitted and approved as a correct record.

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.

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

An Application for Provisional Premises Licence was submitted by the undernoted applicant in respect of the undernoted premises.

Reference WDLBPREM/0277

Name and Address of Premises:

Proposed hotel lodge and new pub restaurant at land to the east of Old Luss Road and west of Ben Lomond Way, Balloch.

Applicant

Marston's Operating Limited, Marston's House, Brewery Road, Wolverhampton WV1J 4JT.

In view of a letter of objection 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.

Mr Tim McMahon, spokesperson for the Balloch Residents Action Group, was heard in relation to the 40 letters of objection submitted by members of the Action Group, those being either or both local residents and local traders.

Mr John Gaunt, John Gaunt & Partners Solicitors accompanied by Mr Peter Dalzell, Managing Director of Inns and Taverns, Mr Adrian Blackburn, Acquisition Surveyor and Mr Nigel Whitfield, Area Operations Manager, Marston's Operating Limited, were heard in support of the application and addressed the Board on the terms of the application and the Board's Policy.

Mr Alexander Perry, a local resident and member of the Balloch Residents Action Group was also heard in support of the objections.

Following consideration of all matters before the Board, Councillor Sorrell, seconded by Councillor Millar, moved:-

That the application be granted with the conditions suggested by the applicant with the exception of the condition relating to membership of the local Pubwatch Scheme and with the addition of the undernoted condition:-

that non-resident children, unless consuming a meal, will not be permitted on the premises after 10.00 p.m.

As an amendment, Councillor McColl, seconded by Councillor McNair, moved:-

The Board refuses the application on two grounds, these being:

1. The application is contrary to the Board's overprovision policy and the rebuttal submitted by the applicant does not satisfy the board that the benefits outweigh the detriment to the Licensing Objectives of Preventing Crime & Disorder, Preventing Public Nuisance and in particular, Protecting & Improving Public Health.

The application will clearly increase access to and the availability of alcohol in the overprovided area. The benefit of the proposed approximate 50 mixed part time & full time jobs will be offset by the loss of other local jobs as other premises are forced out of business.

2. The application falls foul of the objective of the Prevention of Public Nuisance. Balloch has a clearly defined strip with various types of licensed premises that runs down Balloch Road from Dalvait Road to Craiglomond Gardens. This application would see an increase in both the volume and area of effect of public nuisance from the egress of customers.

On a vote being taken, two members voted for the amendment and four for the motion. The motion was accordingly declared carried.

DECIDED:

That the application be granted with the conditions suggested by the applicant with the exception of the condition relating to membership of the local Pubwatch Scheme and with the addition of the undernoted condition:-

that non-resident children, unless consuming a meal, will not be permitted on the premises after 10.00 p.m.

Note: Councillor Brown entered the meeting during consideration of the above item and therefore did not take part in the decision in relation to the application. Councillor Sorrell left the meeting following conclusion of the above item.

ADJOURNMENT

After hearing the Chair, Councillor Mooney, the Board agreed to adjourn at 1.20 p.m. for a short period of time.

The meeting reconvened at 1.35 p.m. with all members shown on the sederunt in attendance with the exception of Councillor Sorrell.

VARIATION IN ORDER OF BUSINESS

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

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

An application for Variation of Premises Licence was submitted by Cameron House Loch Lomond Limited for Cameron House Hotel & Country Estate, Loch Lomond G83 8QZ as undernoted:

Reference WDLBPREM/0207

Name and Address of Premises: Cameron House Hotel & Country Estate,
Loch Lomond G83 3QZ

Applicant/Licence Holder: Cameron House Loch Lomond Limited, c/o
Brunton Miller Solicitors, 7&9 Colquhoun
Street, Helensburgh G84 8AN

Mr Douglas Dalgleish, Solicitor, Brunton Miller Solicitors was in attendance on behalf of the applicant, Cameron House Loch Lomond Limited. Following consideration of all matters before the Board, it was agreed that the application be granted.

DECIDED:

That the application be granted.

CHAIR'S REMARKS

Having heard the Chair and with the agreement of the applicant's legal representative, it was agreed that the Premises Review Hearings for the three separate agenda items entitled 'Premises Review for the Pawn Lounge, Overtoun Street, Alexandria G83 0DL, The Old Vale Bar, 305 Main Street, Alexandria G83 0AJ and The Laughing Fox, 119 Bridge Street, Alexandria G83 0TA would be considered and determined together as undernoted.

**PREMISES REVIEWS FOR THE PAWN LOUNGE, OVERTOUN STREET,
ALEXANDRIA G83 0DL, THE OLD VALE BAR, 305 MAIN STREET,
ALEXANDRIA G83 0AJ AND THE LAUGHING FOX, 119 BRIDGE STREET,
ALEXANDRIA G83 0TA**

In terms of Section 38(1) of the Licensing (Scotland) Act, the Licensing Board considered Applications for Review of a Premises Licence from the Chief Constable of Police Scotland in respect of the three premises.

Mr Douglas Dalgleish, Brunton Miller Solicitors accompanied by Mr Michael Reilly, Director, Aloysius Holdings Limited was heard on behalf of the premises licence holder, Aloysius Holdings Limited. Sergeant Quinn and Constable Miller were in attendance on behalf of the Chief Constable, Police Scotland.

After consideration of all matters before the Board, the Board agreed:-

- (1) to hold that the grounds of review of the licence, namely preventing crime and disorder and securing public safety, had been established in all three cases;
- (2) that in each of the three cases, a written warning letter, under Section 39(2)(a) of the Licensing (Scotland) Act 2005 and in terms of the Crime Prevention Objective, be issued to the premises licence holder;
- (3) that in terms of Section 84(2) of the Licensing (Scotland) Act 2005 and having regard to the above findings of the Board, that a Personal Licence Holder and the Premises Licence Holder of the premises known as The Laughing Fox, Mr Neil Stansfield, had acted in a manner that was inconsistent with the above licensing objectives; and
- (4) that in terms of Section 84(3)(a) of the Licensing (Scotland) Act 2005, a Hearing would be held before West Dunbartonshire Licensing Board at a future meeting to consider the Personal Licence held by Mr Stansfield given the aforementioned findings of the Board.

DECIDED:

- (1) to hold that the grounds of review of the licence, namely preventing crime and disorder and securing public safety, had been established in all three cases;
- (2) that in each of the three cases, a written warning letter, under Section 39(2)(a) of the Licensing (Scotland) Act 2005 and in terms of the Crime Prevention Objective, be issued to the premises licence holder;
- (3) that in terms of Section 84(2) of the Licensing (Scotland) Act 2005 and having regard to the above findings of the Board, that a Personal Licence Holder and the Premises Licence Holder of the premises known as The Laughing Fox, Mr Neil Stansfield, had acted in a manner that was inconsistent with the above licensing objectives; and

- (4) that in terms of Section 84(3)(a) of the Licensing (Scotland) Act 2005, a Hearing would be held before West Dunbartonshire Licensing Board at a future meeting to consider the Personal Licence held by Mr Stansfield given the aforementioned findings of the Board.

**APPLICATIONS FOR EXTENDED HOURS – CHEERS NIGHTCLUB,
1 BREWERS LANE, DUMBARTON**

In terms of Section 68 of the Licensing (Scotland) Act 2005, the Board considered Applications for Extended Hours submitted by Cheers Nightclub Limited for Cheers Nightclub for the undernoted dates:-

Friday, 18 April 2014 from 1.00 a.m. to 4.00 a.m.

Thursday, 1 May 2014 to Sunday, 4 May 2014 from 1.00 a.m. to 4.00 a.m.

It was noted that Mr Paul Smith was in attendance on behalf of the applicant, Cheers Nightclub Limited, and that Sergeant Quinn and Constable Millar were in attendance on behalf of the Chief Constable, Police Scotland.

The Board then heard from Sergeant Quinn in relation to the objection submitted by Police Scotland and thereafter Mr Smith addressed the Board in support of the application. Following consideration of all matters before the Board, it was agreed that the above applications for Extended Hours be granted.

DECIDED:

That the application for Extended House be granted.

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

An application for Variation of Premises Licence was submitted by Punch Pub Taverns Limited for The Burgh Bar, 117 High Street, Dumbarton G82 1LF as undernoted:

Ref WDLBPREM/0100

Name and Address of Premises: Burgh Bar, 117 High Street, Dumbarton
G82 1LF.

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

Mr Campbell Dorwood, Relationship Manager, Punch Taverns and Nicola Dolan, Designated Premises Manager were in attendance on behalf of the applicant, Punch Taverns Limited. The Board agreed that the application be granted.

DECIDED:

That the application be granted.

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

An application for Transfer of Premises Licence for The Telstar, 310 Dumbarton Road, Old Kilpatrick G60 5JH was submitted.

Ref: WDLBPREM0043

Name and Address of Premises: The Telstar, 316 Dumbarton Road, Old Kilpatrick G60 5JH

Applicant: Mr Robert O'Donnell, Greenside, Kilbowie Road, Hardgate, Clydebank G81 6AP

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

DECIDED:

That the application be granted.

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

An application for Variation of Premises Licence was submitted by Mr Robert O'Donnell for The Telstar, 310 Dumbarton Road, Old Kilpatrick as undernoted.

Name and Address of Premises: The Telstar, 310 Dumbarton Road, Old Kilpatrick G60 5JH.

Applicant/Licence Holder: Mr Robert O'Donnell, Greenside, Kilbowie Road, Hardgate, Clydebank G81 6AP.

Mr Robert O'Donnell, Premises Licence Holder, was in attendance. The Board agreed that the applications be granted.

DECIDED:

That the application be granted.

REVIEW OF PERSONAL LICENCE – MR DAVID CALVERT

Having heard the Chair, Councillor Mooney, it was noted that Mr Calvert was not in attendance due to work commitments and agreed that the Review Hearing would be continued to the next meeting of the Licensing Board scheduled to be held on 17 June 2014 to provide Mr Calvert 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 17 June 2014.

The meeting closed at 3.20 p.m.

DRAFT