

WEST DUNBARTONSHIRE LICENSING BOARD

At a Special Meeting of West Dunbartonshire Licensing Board held by Video Conference on Wednesday, 30 June 2021 at 10.03 a.m.

Present: Councillors Karen Conaghan, Ian Dickson, Diane Docherty*, Jonathan McColl and Brian Walker.

Attending: Peter Hessett, Clerk to the Licensing Board; Raymond Lynch, Depute Clerk to the Licensing Board; Robert Mackie, Senior Licensing Officer; Lawrence Knighton, Licensing Standards Officer; John Walker, Engineering Assistant, Roads & Neighbourhood; Scott Kelly and Gabriella Gonda, Committee Officers.

Also attending: Dr. Emilia Crighton, Deputy Director of Public Health, NHS Greater Glasgow and Clyde; Sergeant Wendy Maginnis, Police Scotland.

Apologies: An apology for absence was intimated on behalf of Councillor Caroline McAllister.

* Arrived later in the meeting

Councillor Ian Dickson in the Chair

STATEMENT BY THE CHAIR

Councillor Ian Dickson, Chair, advised that the powers contained in terms of Section 133 of the Licensing (Scotland) Act 2005, as amended by the Coronavirus (Scotland) Act 2020, would be used to enable Members and parties to attend remotely and that the meeting of the Board could not be held in person due to the current COVID-19 (Coronavirus) emergency.

The Chair then made direction that no photography or recording of the proceedings would be made by any party without the Chair's prior approval. He also advised Members and parties to use of mute during the meeting, and to indicate their intention to speak by using the 'raise hand' functionality available to them.

DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest in any of the items of business on the agenda.

PROCEDURE FOR SPECIAL LICENSING BOARD MEETING 30 JUNE 2021

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

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Licensing Board held on Wednesday, 9 June 2021 were submitted and approved as a correct record.

APPLICATION FOR VARIATION OF PREMISES LICENCE

With reference to the Minutes of Meeting of the Licensing Board held on 9 June 2021, an application for Variation of Premises Licence for John H Glen Spar Store, 34 – 44 Main Street, Alexandria, G83 0DX was submitted for consideration.

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

- (a) that the licence holder, Mr Glen, was in attendance at the meeting and was represented by Mr Derek Robertson, Solicitor, Stirling & Gilmour Solicitors;
- (b) that a site visit had been undertaken by Board Members in respect of the above application on 22 June 2021; and
- (c) that a letter dated 20 May 2021 had been received from NHS Greater Glasgow and Clyde Public Health submitting an objection in relation to the application.

The Board heard from Dr. Emilia Crighton in relation to the objection from NHS Greater Glasgow and Clyde Public Health.

Mr Robertson, Solicitor, Stirling & Gilmour Solicitors, on behalf of Mr Glen, was then given the opportunity to address the Board and was heard in support of the application.

DECIDED:-

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

*NOTE:- Councillor Diane Docherty joined the meeting during discussion of this item.

APPLICATION FOR VARIATION OF PREMISES LICENCE

An application for Variation of Premises Licence for The Doghouse, 54 Balloch Road, Balloch G83 8LE was submitted for consideration.

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

- (a) that the licence holder, Three Thistles PLC was represented by Mr Niall Hassard, Solicitor of TLT Solicitors and that Mr Ozgur Koca, DPM was in attendance at the meeting;
- (b) that a site visit had been undertaken by Board Members in respect of the above application on 22 June 2021;
- (c) that a letter dated 15 June 2021 had been received from NHS Greater Glasgow and Clyde Public Health submitting an objection in relation to the application; and
- (d) that a letter dated 17 June 2021 had been received from Police Scotland submitting an objection in relation to the application.
- (e) that an e-mail objection dated 16 June 2021 had been received from the Balloch and Haldane Community Council.
- (f) that comments had been received from Licensing Standards Officer, Environmental Health and also, from Roads and Neighbourhood Services.

The Board then heard from Mr Knighton, LSO and Mr Walker, Engineering Assistant, Roads & Neighbourhood in relation to the application and in answer to Members' questions.

The Board then heard from Dr. Emilia Crighton in relation to the objection from NHS Greater Glasgow and Clyde, Public Health.

Thereafter, the Board heard from Sergeant Maginnis in relation to the objection from Police Scotland and in answer to Members' questions.

Mr Hassard, TLT Solicitors addressed the Board in support of the application, the applicant and the premises and thereafter Mr Hassard answered questions from Members.

ADJOURNMENT

Having heard the Chair, Councillor Dickson, the Board agreed to adjourn for a short period of time.

The Board reconvened at 12.06 p.m. with all Members listed on the sederunt in attendance.

Following consideration of all matters before the Board, Councillor Jonathan Mccoll, moved:-

That the application be refused on the grounds that the granting of the application would be inconsistent with the licensing objectives of Securing Public Safety and Preventing Public nuisance in terms of Section 30 (5) (b) of the said 2005 Act, and also that the premises are unsuitable for the sale of alcohol in accordance with the terms of the proposed variation.

The Board unanimously agreed the motion.

DECIDED:-

It was agreed that the variation application be refused.

LICENSING BOARD FINANCIAL STATEMENT 2020 – 2021

A report was submitted by the Clerk to the Licensing Board advising of the terms of the Licensing Board's Statement of Income and Expenditure in relation to its liquor licensing functions for 2020 - 2021.

After consideration and having heard from the Clerk to the Licensing Board in further explanation of the report, the Board agreed to note the terms of the Financial Statement 2020-21 as detailed in Appendix 1 of the report.

The meeting closed at 12:16 p.m.