

## **WEST DUNBARTONSHIRE LICENSING BOARD**

At a Meeting of West Dunbartonshire Licensing Board held in the Civic Space, 16 Church Street, Dumbarton on Tuesday 12 March 2019 at 10.05 a.m.

**Present:** Councillors Jim Brown, Ian Dickson, Diane Docherty, John Millar, Marie McNair and Brian Walker.

**Attending:** Peter Hessett, Clerk to the Licensing Board; Raymond Lynch, Depute Clerk to the Licensing Board; Peter Clyde and Lawrence Knighton, Licensing Standards Officers and Nuala Borthwick, Committee Officer.

**Also attending:** Sergeant David MacKinnon and Joan Walker, Police Scotland.

**Apologies:** Apologies for absence were intimated on behalf of Councillors Jonathan McColl and John Mooney.

**Councillor Jim Brown in the Chair**

### **VARIATION IN THE ORDER OF BUSINESS**

Having heard the Clerk, the Board agreed to vary the business as hereinafter minuted.

### **DECLARATIONS OF INTEREST**

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

### **LICENSING BOARD HEARING PROCEDURE**

The Licensing Board's Hearing Procedures for the following were submitted for information:-

- (1) an Application for Review of Premises/Personal Licence; and
- (2) an Application with Objection(s)/Representation(s).

## **MINUTES OF PREVIOUS MEETING**

The Minutes of Meeting of the Licensing Board held on Tuesday, 11 December 2018 were submitted and approved as a correct record.

### **APPLICATION FOR PERSONAL LICENCE**

With reference to the Minutes of Meeting of the Licensing Board held on 11 December 2018, an application for a Personal Licence was submitted for Mr Jamie Daly.

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

- (a) that a letter dated 5 November 2018 had been received from Police Scotland providing information on a relevant conviction held by the applicant;
- (b) that both the applicant and a representative of Police Scotland had been invited to attend in order that a Hearing could take place; and
- (c) that the applicant, Mr Jamie Daly, was in attendance at the meeting and was accompanied by Mr Mark Friel, Regional Manager, Taco Bell and was represented at the meeting by Ms Frances Ennis, Solicitor, Pinsent Masons Solicitors; and
- (d) that Sergeant David MacKinnon and Ms Joan Walker were in attendance on behalf of Police Scotland.

Sergeant MacKinnon was then heard in relation to the Police letter which had been submitted to Members in advance of the meeting. Thereafter Sergeant MacKinnon and Ms Ennis answered questions from Members.

Ms Ennis, on behalf of Mr Daly, was then given the opportunity to address the Board in support of Mr Daly's application and in relation to the circumstances outlined in the Police letter.

### **DECIDED:-**

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

### **APPLICATION FOR PERSONAL LICENCE**

With reference to the Minutes of Meeting of the Licensing Board held on 11 December 2018, an application for a Personal Licence for Mr Logan Malcolm was submitted for consideration.

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

- (a) that a letter dated 7 November 2018 had been received from Police Scotland providing information on relevant convictions held by the applicant and recommending that the application be refused;
- (b) that the applicant had not attended the meeting of the Licensing Board held on 11 December 2018 and therefore the application was continued to this meeting to provide a further opportunity to attend;
- (c) that both the applicant and a representative of Police Scotland had been invited to attend the meeting in order that a Hearing could take place; and
- (d) that Sergeant David MacKinnon and Ms Joan Walker were in attendance on behalf of Police Scotland.

Sergeant MacKinnon was then heard in relation to the Police letter which had been submitted to Members in advance of the meeting.

**DECIDED:-**

After consideration of the letter from Police Scotland, the Board agreed that, having regard to the licensing objective of protecting children and young persons from harm, the applicant was not a fit and proper person to be the holder of a personal licence and that the application be refused.

**APPLICATION FOR VARIATION OF PREMISES LICENCE**

An application for Variation of Premises Licence for The Duntiglennan, Dumbarton Road, Duntocher, Clydebank G81 6DN was submitted for consideration.

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

- (a) that a representative of the licence holder, Mr Cunningham, was in attendance at the meeting and was represented by Mr Peter Lawson, Miller Samuel Hill Brown Solicitors.
- (b) that Section 59 consent required for the application had been lodged with Roads Services however had not yet been granted; and
- (c) that a letter dated 18 February 2019 had been received from Police Scotland submitting an objection in relation to the application.

The Board then heard from Mr Lawson who advised that Section 59 consent required from the Roads Services in relation to the application was still outstanding and thereafter he requested that the application be continued to the first available future meeting of the Licensing Board.

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**DECIDED:-**

Following consideration, it was agreed that the application be continued to the next available meeting of the Licensing Board.

**CONTINUED REVIEW OF PERSONAL LICENCE**

With reference to the Minutes of Meetings of the Licensing Board held on 29 August 2018 and 11 December 2018 and in terms of Section 36 of the Licensing (Scotland) Act 2005, Members considered the Review of Personal Licence for Mr Mohammad Yasin.

Having heard the Clerk to the Licensing Board, it was noted that Mr Mohammad Yasin was in attendance and was represented by Mr Peter Lawson, Miller Samuel Hill Brown Solicitors.

Thereafter Mr Lawson advised that Mr Yasin had entered a 'not guilty' plea in relation to pending criminal proceedings which remained sub-judice and that an interim trial date of 4 July 2019 in relation to the criminal matter had been scheduled at Dumbarton Sherriff Court to enable the case to call.

**DECIDED:-**

After consideration, the Board agreed that the Hearing be continued until after the outcome of the criminal proceedings against Mr Yasin.

**APPLICATION FOR VARIATION OF PREMISES LICENCE**

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 applicant was not in attendance at the meeting however the application was suitable to grant in terms of the Board's Licensing Policy Statement; and
- (b) that there were no objections to the application.

**DECIDED:-**

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

## **PROGRESS REPORT ON MEETING THE EQUALITY OUTCOMES WITHIN THE BOARD'S MAINSTREAMING REPORT 2017 - 2021**

A report was submitted by the Clerk to the Licensing Board on the actions being taken to progress towards meeting the outcomes within the Board's Mainstreaming Report.

The Board heard from the Licensing Standards Officer in further explanation of the report and in answer to Members' questions.

After discussion, Councillor Millar moved the undernoted motion:-

That the Board note the progress made in the current Equality Mainstreaming Report 2017-2021.

As an amendment, Councillor McNair moved:-

That the Board alternate future meetings of the Licensing Board between Council Offices, Dumbarton and Clydebank Town Hall in order to make meetings more accessible to people.

On a vote being taken, one member voted for the amendment and five members voted for the motion. The motion was accordingly declared carried.

### **DECIDED:-**

The Board agreed to note the progress made under the current Equality Mainstreaming Report.

The meeting closed at 10.46 a.m.