

WEST DUNBARTONSHIRE LICENSING BOARD

At a Meeting of West Dunbartonshire Licensing Board held in the Civic Space, 16 Church Street, Dumbarton on Tuesday 11 June 2019 at 10.05 a.m.

Present: Councillors Ian Dickson, Diane Docherty, Jonathan McColl and Marie McNair.

Attending: Peter Hessett, Clerk to the Licensing Board; Nigel Ettles, Principal Solicitor; Peter Clyde and Lawrence Knighton, Licensing Standards Officers; Marie Grant, Licensing Assistant and Nuala Borthwick, Committee Officer.

Also attending: Sergeant Mairi Capaldi, Licensing Sergeant, Police Scotland.

Apologies: Apologies for absence were intimated on behalf of Councillors Jim Brown, John Mooney and Brian Walker.

APPOINTMENT OF CHAIR

In the absence of the Chair, Councillor Brown, and having heard from the Clerk to the Licensing Board, it was agreed that the Board would appoint a Chair from amongst those members present.

Following discussion, it was agreed that Councillor Dickson be appointed as Chair for the meeting of the Licensing Board and accordingly, Councillor Dickson assumed the Chair.

DECLARATIONS OF INTEREST

Having heard advice from the Clerk to the Licensing Board in relation to agenda item 5 – Application for Provisional Premises Licence for Lennox Brewery, it was noted that there were no declarations of interest in relation to any of the items of business on the agenda.

LICENSING BOARD HEARING PROCEDURE

The Licensing Board's Hearing Procedures for an Application with objection(s)/ Representation(s) was submitted for information.

MINUTES OF PREVIOUS MEETINGS

The following Minutes of Meetings of the Licensing Board were submitted and approved as correct records:-

- (1) Minutes of Meeting of the Licensing Board held on Tuesday, 12 March 2019;
- (2) Minutes of Special Meeting of the Licensing Board held on Wednesday, 10 April 2019; and
- (3) Minutes of Special Meeting of the Licensing Board held on Thursday, 2 May 2019.

APPLICATION FOR PROVISIONAL PREMISES LICENCE

An application for Provisional Premises Licence for Lennox Brewery, Unit 25, Lime Road, Dumbarton G82 2RP was submitted for consideration.

Having heard the Clerk to the Licensing Board, it was noted that Mr Archie MacIver, Brunton Miller Solicitors, was in attendance on behalf of the applicant, Lennox Brewery Limited and was accompanied at the meeting by Mr Iain McLaren, a director of Lennox Brewery Limited.

Mr MacIver was then heard in support of the application and in answer to questions from Members in relation to control measures in place for the delivery of alcohol to prevent the sale of alcohol to persons under the age of 18.

Mr Peter Clyde, Licensing Standards Officer, advised that LSOs had no comment in relation to the application. In response to members' questions, Mr Clyde confirmed that the proposed capacity for the display of alcohol for consumption off the premises was zero. Accordingly the Board did not consider that the application was contrary to the terms of the Overprovision Policy.

DECIDED:-

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

APPLICATION FOR PROVISIONAL PREMISES LICENCE

An application for Variation of Premises Licence for Cook & Indi's World Buffet, Unit 18A Britannia Way, Clyde Shopping Centre, Clydebank G81 2RZ was submitted for consideration.

Having heard the Clerk to the Licensing Board, it was noted that Mr Stephen McGowan, TLT Solicitors, was in attendance on behalf of the applicant, Mrrmrmillionaires Limited, and was accompanied by Mr Biswajit Roy, Designated Premises Manager for the premises. Thereafter Mr McGowan was heard in support of both the applicant and the application and provided an information pack to

Members which showed the set up of the buffet style restaurant operation in the applicant's other premises.

DECIDED:-

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

APPLICATION FOR VARIATION OF PREMISES LICENCE

An application for Variation of Premises Licence for Club Mango, 68 Dumbarton Road, Clydebank G81 1UG was submitted for consideration.

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

- (a) that the applicant, Naseem Akram, was represented at the meeting by Mr Archie Maciver, Solicitor, Brunton Miller Solicitors who was accompanied by a representative of the applicant, Mr Mohammed Akram;
- (b) that a letter of objection from NHS Greater Glasgow and Clyde had been submitted in relation to the application however there was no representative from the Health Board in attendance at the meeting to address the Board on the terms of the letter of objection; and
- (c) that there were no police objections to the application.

The Board then heard from Mr Peter Clyde, Licensing Standards Officer (LSO) who advised that the application was contrary to the Board's Statement of Licensing Policy, specifically paragraph 25.6, which states that the licensed hours for nightclubs should be as follows:

Monday to Wednesday – 1.00 a.m. the following day
Thursday to Sunday – 3.00 a.m. the following day

Thereafter, Mr Maciver addressed the Board in support of the application and in answer to Members' questions.

ADJOURNMENT

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

The Board reconvened at 10.38 a.m. with all members listed in the sederunt in attendance.

DECIDED:

Following consideration of all matters before the Board and having considered the application in terms of the Licensing Board's Statement of Licensing Policy, it was agreed:-

- (1) that the application was contrary to the Board's Statement of Licensing Policy which was based on the licensing objectives and the material before the Board was not sufficient to justify a departure from the Statement of Licensing Policy; and
- (2) that the variation application be refused on the grounds that it was inconsistent with the licensing objectives of Preventing Public Nuisance (because of the likelihood of disturbance occurring in a largely residential area later in the morning than under the existing hours) and Protecting and Improving Public Health (because it was likely that the disturbance would result in loss of sleep).

EXTENSIONS TO LICENSING HOURS OVER THE FESTIVE PERIOD 2019/20

A report was submitted by the Clerk to the Licensing Board proposing a policy on the granting of Applications for Extended Hours over the 2019/20 festive period in terms of Section 68 of the Licensing (Scotland) Act 2005.

DECIDED:

Having heard the Licensing Standards Officer in further explanation of the report, the Board agreed:-

- (1) that the period for granting applications for extended hours in respect of the 2019/2020 Festive Period be from Friday, 13 December 2019 to Thursday, 2 January 2020 inclusive;
- (2) that premises licence holders without significant entertainment (public houses, hotel bars and members' clubs fall into this category) may apply for 1 hour more than the normal licensed hours during the festive period with the exception of Hogmanay;
- (3) that premises licence holders without significant entertainment (public houses, hotel bars and members' clubs) may apply for extended hours to 3 am on Hogmanay on condition that last entry to the premises be 11pm and the event is pre-ticketed;
- (4) that premises licence holders offering significant entertainment (Nightclubs) may apply until 4 am during the festive period;
- (5) that authority for the granting of applications for extensions to licensing hours over the Festive Period be delegated to the Clerk to the Licensing Board, in accordance with the foregoing agreed recommendations; and

- (6) that should applications for extended hours be submitted which fall outwith the agreed hours, or aforementioned recommendations, within the time period defined at 2.1(a) above, then any such applications may require to be submitted to the Board for consideration, particularly where objections are forthcoming.

LICENSING BOARD ANNUAL FUNCTIONS REPORT 2018 – 2019

A report was submitted by the Clerk to the Licensing Board seeking approval of the Board's Annual Functions Report in relation to the functions of the Board 2018-2019.

DECIDED:

The Board agreed to approve the terms of the Functions Report for 2018-2019 as detailed at Appendix 1 of the report.

LICENSING BOARD FINANCIAL STATEMENT 2018-2019

A report was submitted by the Clerk to the Licensing Board advising of the terms of the Board's Statement of Income and Expenditure in relation to its liquor licensing functions for 2018-2019.

DECIDED:

The Board noted the terms of the Financial Statement 2018-19 as detailed at Appendix 1 of the report.

SCOTTISH GOVERNMENT CONSULTATION ON REVIEWING THE FEE FOR OCCASIONAL LICENCES AND CONSIDERING A LIMIT ON THE NUMBER AND DURATION OF OCCASIONAL LICENCES

A report was submitted by the Clerk to the Licensing Board requesting consideration of a Licensing Board response to a Scottish Government consultation seeking views on the application fee for an occasional licence. The consultation also asks whether a limit should be set on the number and duration of occasional licences that can be applied for by an individual or on behalf of a premises licence holder or voluntary organisation.

DECIDED:

After discussion, the Board agreed to delegate authority to the Clerk to the Licensing Board in consultation with the Chair for the meeting, Councillor Dickson, to approve the submission subject to the undernoted amendments:-

- (1) that the third bullet point at question 10 be removed from the Board's response;

- (2) that the Board considers the appropriate fee for an occasional licence should be increased from £10 to £75;
- (3) that the Board does not support any increase to the current fee of £10 for an occasional licence for charities or voluntary organisations.

The meeting closed at 10.44 a.m.