

WEST DUNBARTONSHIRE LICENSING BOARD

At a Special Meeting of West Dunbartonshire Licensing Board held in the Civic Space, 16 Church Street, Dumbarton on Thursday, 2 May 2019 at 1.00 p.m.

Present: Councillors Jim Brown, 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; Raymond Walsh, Manager of Roads and Transportation; Peter Clyde, Licensing Standards Officer and Nuala Borthwick, Committee Officer.

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

Apologies: Apologies for absence were intimated on behalf of Councillors Marie McNair, John Millar and John Mooney.

Councillor Jim Brown in the Chair

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 Procedure for an Application with Objection(s)/Representation(s) was submitted for information.

APPLICATION FOR PERSONAL LICENCE

An application for Personal Licence for Mr Jon Flook was submitted for consideration.

Having heard the Clerk, it was noted:-

- (a) that a letter dated 3 April 2019 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 the meeting in order that a Hearing could take place;
- (c) that the applicant, Mr Flook, accompanied by Anne Marie Woodcock, Management Representative, Burgh Bar and Sergeant Capaldi, Police Scotland, were all in attendance in order that a Hearing could take place; and
- (d) that copies of the letter from Police Scotland had been issued to Members of the Board and the applicant in advance of the meeting.

The Board then heard from Sergeant Capaldi in relation to the Police letter and in answer to Members' questions.

Thereafter, the Board heard from Mr Flook in support of his application and in answer to Members' questions.

DECIDED:-

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

APPLICATION FOR VARIATION OF PREMISES LICENCE

With reference to the Minutes of Meetings of the Licensing Board held on 12 March 2019 and 10 April 2019, 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 the required Section 59 consent required for the application to proceed had been granted by Roads Services on 1 April 2019; 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 heard from Sergeant Capaldi in relation to the objection from Police Scotland.

The Board then heard from Mr Clyde, Licensing Standards Officer, who advised in terms of paragraph 18.12 of the Board's Statement of Licensing Policy which stated:-

Where the proposed outdoor area is situated in a public footway, the Licensing Board will require applicants applying for such an area to have obtained consent from the Council's Roads Services under Section 59 of the

Roads (Scotland) Act 1984. The Licensing Board expects that Premises Licence Holders will comply with all conditions which may be attached to that consent. Section 59 consent will require to be submitted along with any application which includes an outdoor area situated on a public footway.

Such outdoor areas should only be used for the consumption of alcohol by those seated in the area – no external “vertical drinking” should take place on a public footway.

The Board then heard from Mr Walsh, Roads and Transportation Manager in relation to the application and in answer to Members’ questions concerning the pavement and suitability of the pedestrian barrier. It was noted that the area had been assessed by an Officer from Roads Services on 1 April 2019 who had advised that the Section 59 consent relating to the application was suitable to be approved. Mr Walsh further advised that a review of operation of roadside barriers would be undertaken at some point in the near future.

Thereafter, the Board heard from Mr Lawson, Miller Samuel Hill Brown Solicitors in support of the application, the applicant and the premises. It was noted that the applicant did not intend to use the outdoor seating during major football games.

DECIDED:-

Following consideration of all matters before the Board and having heard the Clerk and the Licensing Standards Officer in answer to questions from Members, it was agreed that the application be granted subject to the inclusion of undernoted conditions:-

- (a) that there would be no vertical drinking in the outside seating area; and
- (b) that use of the outside seating area would not be permitted at the premises during Old Firm games.

The meeting closed at 1.28 p.m.