

## **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, 14 March 2017 at 10.35 a.m.

**Present:** Councillors John Millar, John Mooney, Tommy Rainey and Hazel Sorrell.

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

**Apology:** An apology for absence was intimated on behalf of Councillor Michelle McGinty.

### **DECLARATIONS OF INTEREST**

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

### **MINUTES OF PREVIOUS MEETING**

The Minutes of Meeting of the Licensing Board held on 13 December 2016 was submitted and approved as a correct record.

### **LICENSING BOARD HEARING PROCEDURE**

The Licensing Board's Hearing Procedure for an Application with Objection(s) or Representation(s) was submitted for information.

### **CHAIR'S REMARKS AND VARIATION TO THE ORDER OF BUSINESS**

Councillor Mooney, Chair, welcomed everyone present to the meeting and thereafter apologised for the late start to proceedings.

Thereafter, having heard Councillor Mooney, it was agreed that the order of business be varied as hereinafter minuted.

**APPLICATION FOR A FAMILY ENTERTAINMENT CENTRE PREMISES LICENCE  
IN TERMS OF THE GAMBLING ACT 2005 –  
UNIT 62-65, 36 SYLVANIA WAY SOUTH, CLYDEBANK G81 1EA**

An application for a Premises Licence in terms of the Gambling Act 2005 for Units 62-65, 36 Sylvania Way South, Clydebank G81 1EA was submitted for consideration.

It was noted that the applicant, Mr & Mrs Smith, T/A County Amusements were represented at the meeting by Mr Niall Hassard, TLT Solicitors and Mr Harris Smith, General Manager.

Having heard Mr Hassard in relation to a preliminary matter concerning the competency of the letter of representation from Mr Bunce and having heard the Clerk in response, it was agreed that the letter of representation from Mr Bunce would not be considered by the Board.

The Board then heard from Mr Clyde, Licensing Standards Officer.

It was noted that objectors to the application on behalf of Linnvale and Drumry Community Council, Mr Hainey and Ms McAleer, were in attendance and thereafter Mr Hainey was heard in support of the objection.

**DECIDED:-**

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

**APPLICATION FOR AN ADULT GAMING CENTRE PREMISES LICENCE IN  
TERMS OF THE GAMBLING ACT 2005 – UNIT 70-73, 36 SYLVANIA WAY  
SOUTH, CLYDEBANK G81 1EA**

An application for a Premises Licence in terms of the Gambling Act 2005 for Units 70-73, 36 Sylvania Way South, Clydebank G81 1EA was submitted for consideration.

It was noted that the applicant, Mr & Mrs Smith, T/A County Amusements were represented at the meeting by Mr Niall Hassard, TLT LLP and Mr Harris Smith, General Manager.

Having heard Mr Hassard in relation to a preliminary matter concerning the competency of the letter of representation from Mr Bunce and having heard the Clerk in response, it was agreed that the letter of representation from Mr Bunce would not be considered by the Board.

The Board then heard from Mr Clyde, Licensing Standards Officer.

It was noted that objectors to the application on behalf of Linnvale and Drumry

Community Council, Mr Hainey and Ms McAleer, were in attendance and thereafter Mr Hainey was heard in support of the objection.

**DECIDED:-**

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

**APPLICATION FOR PROVISIONAL PREMISES LICENCE IN TERMS OF THE LICENSING (SCOTLAND) ACT 2005 – ICELAND, UNIT 6, CLYDEBANK RETAIL PARK, CLYDEBANK G81 2XA**

An application for grant of a Provisional Premises Licence for Iceland, Unit 6, Clydebank Retail Park, Clydebank G81 2XA was submitted for consideration.

Mr Peter Clyde, Licensing Standards Officer, was heard in respect of the Licensing Standards Officer report and in answer to Members' questions.

Mrs Julie Lusk, Head of Mental Health, Learning Disabilities and Addiction Services, West Dunbartonshire Health & Social Care Partnership was heard in support of the health objection to the application from NHS Greater Glasgow and Clyde and in answer to Members' questions.

It was noted that Mr Niall Hassard, TLT Solicitors, accompanied by a representative of the licence holder, Mr Robert Hayes, Licensing Officer were in attendance on behalf of Iceland Foods Limited. Mr Hassard was then heard in support of the 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 PROVISIONAL PREMISES LICENCE 35 – 55 IN TERMS OF THE LICENSING (SCOTLAND) ACT 2005 – ALEXANDRIA POST OFFICE, 98-100 MAIN STREET, ALEXANDRIA G83 0PB**

An application for grant of a Provisional Premises Licence for Alexandria Post Office, 98-100 Main Street, Alexandria G83 0PB was submitted for consideration.

It was noted that the licence holder, Mr Zunair Butt was in attendance and was accompanied by his legal representative Mr Brian McMahan.

As a preliminary matter, Mr McMahan questioned the competency of the letter of objection from Police Scotland given the decision in the Brightcrew case and there being no link to the sale of alcohol. Having heard the Clerk to the Licensing Board in response to Mr McMahan's preliminary point and Constable Simpson, Police Scotland in support of the objection's relevance to the sale of alcohol, the Board

agreed that the letter of objection from Police Scotland would not be considered by the Board.

Mr Peter Clyde, Licensing Standards Officer, was heard in respect of the Licensing Standards Officer report and in answer to Members' questions.

Mrs Julie Lusk, Head of Mental Health, Learning Disabilities and Addiction Services, West Dunbartonshire Health & Social Care Partnership was heard in support of the health objection to the application from NHS Greater Glasgow and Clyde and in answer to Members' questions.

Mr McMahon was then heard in support of the 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 PREMISES LICENCE  
IN TERMS OF THE LICENSING (SCOTLAND) ACT 2005 –  
MATZALUNA PIZZA, CLYDE SHOPPING CENTRE, CLYDEBANK G81 2RZ**

An application for grant of a Premises Licence for Matzaluna Pizza, Clyde Shopping Centre, Clydebank G81 2RZ was submitted for consideration.

It was noted that Mr Peter Lawson, Miller Samuel Hill Brown Solicitors was in attendance on behalf of the applicant, Empire Cinemas Limited and was accompanied by Andrew Rapson, General Manager, Empire Cinema, Clydebank. Mr Lawson was then heard in support on the application.

**DECIDED:-**

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

**APPLICATION FOR GRANT OF A TEMPORARY PREMISES LICENCE**

An application for grant of a Temporary Licence for a Portacabin situated in the proximity of 80/82 Hawthornhill Road, Dumbarton G82 5JB was submitted for consideration.

It was noted that Mr Zia-UI Haq, the licence holder at 80/82 Hawthornhill Road, Dumbarton was seeking the grant of a Temporary Licence for a portacabin during the demolition and rebuild of the licensed premises at 80/82 Hawthornhill Road, Dumbarton.

**DECIDED:-**

Following consideration of all matters before the Board, it was agreed:-

- (1) that the application be granted; and
- (2) that the licence would be not be released to the applicant until such time as a Notice of Acceptance of Completion Certificate is issued by the Building Standards Section of West Dunbartonshire Council.

**LICENSING BOARD EQUALITIES MAINSTREAMING REPORT**

A report was submitted by the Clerk to the Licensing Board seeking approval of the Board's Equalities Mainstreaming Report.

The Board heard from Mr Knighton, Licensing Standards Officer in further explanation of the Equalities Mainstreaming Report.

**DECIDED:-**

After consideration, the Board agreed:-

- (1) that the Mainstreaming Report be approved for immediate introduction; and
- (2) that the Chair of the Licensing Board be included in efforts to maximise participation and involvement of the public and licence holders in meetings and other statutory processes of the Licensing Board.

The meeting closed at 1.10 p.m.