

West Dunbartonshire Licensing Board

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21 October 2021

MEETING OF WEST DUNBARTONSHIRE LICENSING BOARD:- TUESDAY, 2 NOVEMBER 2021

Dear Sir/Madam

Notice is hereby given that a Meeting of West Dunbartonshire Licensing Board will be held at 2.00 p.m. on Tuesday, 2 November 2021. **A pre-meeting for Board Members will be held at 1.30 p.m.**

The Convener has directed that the powers contained in Section 43 of the Local Government in Scotland Act 2003 will be used and Members will have the option to attend the meeting remotely or in person at the Civic Space, Church Street, Dumbarton.

The business is shown on the attached agenda.

I shall be obliged if you will advise committee.admin@west-dunbarton.gov.uk if you are unable to attend the meeting.

Yours faithfully

PETER HESSETT

Clerk to the Licensing Board

Distribution:-

Councillor Ian Dickson (Chair)
Councillor Karen Conaghan
Councillor Diane Docherty
Councillor Jonathan McColl
Councillor Caroline McAllister
Councillor John Millar
Councillor Brian Walker
Vacancy

All other Councillors for information

Chief Executive

Date issued: 21 October 2021

LICENSING BOARD – TUESDAY, 2 NOVEMBER 2021

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST

Members are invited to declare if they have an interest in any of the items of business on this agenda and the reasons for such declarations.

3 MINUTES OF PREVIOUS MEETING 5 - 8

Submit for approval, as a correct record, the Special Meeting of Licensing Board held on Thursday, 14 October 2021.

4 APPLICATION FOR PROVISIONAL PREMISES LICENCE 9 - 25

Submit for consideration, application for Provisional Premises Licence for Loch Lomond Brewery, Unit 12, Block 2, Vale of Leven Industrial Estate, Dumbarton G82 3PL.

WEST DUNBARTONSHIRE LICENSING BOARD

At a Hybrid Special Meeting of West Dunbartonshire Licensing Board held in the Civic Space, Council Offices, 16 Church Street, Dumbarton on Thursday, 14 October 2021 at 10:00 a.m.

Present: Councillors Karen Conaghan, Ian Dickson, Diane Docherty, Caroline McAllister and Jonathan McColl.

Attending: Raymond Lynch, Depute Clerk to the Licensing Board, Robert Mackie, Senior Officer (Licensing Services); Peter Clyde, Licensing Standards Officer; and Scott Kelly and Ashley MacIntyre, Committee Officers.

Also Attending: Chris Kelly, Health Improvement Lead, NHS Scotland.

Apologies: Apologies for absence were intimated on behalf of Councillor John Millar and Peter Hessett, Clerk to the Licensing Board.

Councillor Ian Dickson 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.

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Licensing Board held on Wednesday, 1 September 2021 were submitted and approved as a correct record.

LICENSING BOARD MEETING DATES 2021-2022

A report was submitted by the Clerk to the Licensing Board proposing meeting dates of the Licensing Board following an agreed Council and committee timetable to June 2022.

DECIDED:-

Having heard the Depute Clerk to the Licensing Board, the Board agreed the undernoted future meeting dates: -

- Tuesday, 2 November 2021 at 2.00 p.m.
- Tuesday, 7 December 2021 at 10.00 a.m.
- Tuesday, 15 February 2022 at 10.00 a.m.
- Tuesday, 19 April 2022 at 10.00 a.m.
- Tuesday, 21 June 2022 at 10.00 a.m.

EXTENSIONS TO LICENSING HOURS OVER THE FESTIVE PERIOD 2021

A report was submitted for by the Clerk to the Licensing Board proposing a policy on the granting of Applications for Extended Hours over the 2021/2022 Festive Period in terms of Section 68 of the Licensing (Scotland) Act 2005.

Having heard the Depute Clerk to the Licensing Board, the Board agreed:-

- (1) that the period for granting applications for extended hours in respect of the 2020/2021 Festive Period should be from Friday, 10 December 2021 to Monday, 4 January 2022 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 is 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 is delegated to the Clerk to the Licensing Board, if in accordance with the foregoing agreed recommendations; and
- (6) that should applications for extended hours be submitted which fallout with 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.

DECIDED:-

Following consideration, the Board agreed the recommendations.

LICENSING BOARD ANNUAL FUNCTIONS REPORT 2020-2021

A report was submitted by the Clerk to the Licensing Board advising of the Board's Annual Functions Report in relation to the period 2020-2021.

DECIDED:-

Following discussion and having heard the Depute Clerk to the Licensing Board and the Licensing Standards Officer, the Board agreed to approve the terms of the draft Functions Report for 2020-2021 as detailed at Appendix 1 to the report, subject to corrections being made to minor typographical and formatting errors.

THE GAMBLING ACT 2005: REVIEW OF LICENSING BOARD'S STATEMENT OF PRINCIPLES

A report was submitted by the Clerk to the Licensing Board seeking approval of the Board to consult on a review of the Board's Statement of Principles under the Gambling Act 2005.

Having heard from the Depute Clerk to the Licensing Board, the Board agreed:-

- (1) to approve the terms of the draft Statement of Principles (Appendix 1 to the report) for consultation;
- (2) to seek views on any factors that the Board may consider as relevant to its Local Area Profile within its Statement of Principles;
- (3) to authorise the Clerk to the Board to consult the bodies and persons listed at Appendix 2 of the draft Statement of Principles on the terms of the draft in accordance with the Statutory Guidance from the Gambling Commission; and
- (4) following consultation, to receive a further report with a final version of the Statement of Principles for consideration and approval.

DECIDED:-

Following consideration, the Board agreed the recommendations.

The meeting closed at 10:11 a.m.

THE LICENSING (SCOTLAND) ACT 2005

Application for Provisional Premises Licences

Ref: WDLBPREM/0308

Name and Address of Premises: Loch Lomond Brewery, Unit 12, Block 2, Vale of Leven Industrial Estate, Dumbarton G82 3PL

Applicant/Licence Holder: Niall Hassard, TLT Solicitors on behalf of Loch Lomond Brewery Limited.

Type of Premises: On and Off Sales.

Proposed Application: The application is a unit operating as a functioning craft brewery, sited on the Vale of Leven Industrial Estate with production, storage, dispatch facilities, retail bottle shop and ancillary taproom.

Police Authority Comments: No Police objection.

Licensing Standards Comments: This application may be considered to be contrary to the Licensing Board's Overprovision Policy.

Fire Authority Comments: No comments received.

Regulatory Services Comments: The following comments from Environmental Health are as follows:

1. A wash hand basin with hot and cold running water must be provided at the bar serving area.
2. No amplified music or noise making equipment shall be used out with the building at any time to protect the local amenity.

Community Council Comments: The Bonhill & Dalmonach Community Council stated the following:

“we had a discussion about this project and despite reservations about yet another alcohol outlet, we all agreed that the Microbreweries do a good job and the combination with a food offering made the whole project seem like a good idea. It should be a welcome

addition to the area. We wish them success and look forward to supporting them when they are operating.”

Health Board Comments:

No objection.

Access Panel:

No comments received.

Additional Comments:

N/A

Section 50 Certificates:

Received.

Decision:

West Dunbartonshire Licensing Board

APPLICATION FOR ~~PREMISES LICENCE~~/PROVISIONAL PREMISES LICENCE*

***Delete as appropriate**

Licensing (Scotland) Act 2005, section 20

APPLICANT INFORMATION *Licensing (Scotland) Act 2005, section 20(1)*

Question 1

Name, address and postcode of premises to be licensed.

Loch Lomond Brewery
Unit 12
Block 2
Vale of Leven Industrial Estate
Dumbarton
G82 3PL

Question 2

Particulars of applicant

2(a) *Where applicant is an individual, provide full name, date and place of birth, and home address including postcode.*

2(b) *Where applicant is a partnership, please provide full name, and postal address of partnership.*

2(c) *Where applicant is a company, please provide name, registered office and company registration number.*

Loch Lomond Brewery Limited
Carn-Dearg, Glen Luss, Luss, Argyll & Bute, G83 8NY
SC367429

2(d) *Where the applicant is a club or other body, please provide full name, and postal address of club or other body.*

2(e) *Where applicant is a partnership, company, club or other body, please provide the names, dates and places of birth, and home addresses of connected persons.**

1. Fiona MacEachern

2. Euan MacEachern

*** Connected person is defined in section 147(3) of the Licensing (Scotland) Act 2005.**

Question 3

Previous applications

- 3 *Has the applicant been refused a premises licence under section 23 of the Licensing (Scotland) Act 2005 in respect of the same premises?* **NO**

If YES – provide full details

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Question 4

Previous convictions

4 <i>Has the applicant or any connected person ever been convicted of a relevant or foreign offence (1)</i>	NO
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**If YES – provide full details*

For the purpose of this Act, a conviction for a relevant offence or foreign offence is to be disregarded if it is spent for the purpose of the Rehabilitation of Offenders Act 1974

<i>Name & position (if applicable)</i>	<i>Date of conviction or sentence</i>	<i>Court</i>	<i>Offence</i>	<i>Penalty</i>
none				

(1) In addition to any convictions held by the applicant at the time of application, applicants should also familiarise themselves with the contents of section 24(1) of the Licensing (Scotland) Act 2005 in respect of any convictions for relevant or foreign offences which they may receive during the period beginning with the making of the premises licence application and ending with determination of the application.

DESCRIPTION OF PREMISES *Licensing (Scotland) Act 2005, section 20(2)(a)*

Question 5

5 *Description of premises (where application is submitted by a members' club, please also complete question 6)*

The premises is a functioning craft brewery, sited on the Vale of Leven Industrial Estate with production, storage, dispatch, retail bottle shop and ancillary taproom.

Question 6

6 *To be completed by members' clubs only*

Do the club's constitution and rules conform to the requirements of regulation 2 of the Licensing (Clubs) (Scotland) Regulations 2007?

YES/NO*

* Delete as appropriate

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

If signing on behalf of the applicant please state in what capacity.

The contents of this Application are true to the best of my knowledge and belief.

Signature ... (please print name and title below)

Date ...01.09.2021

Capacity APPLICANT/AGENT (delete as appropriate)

Telephone number and email address of signatory

I have enclosed the relevant documents with this application -- please tick the relevant boxes

Operating plan

x

Layout plan

x

Planning certificate

x

Building standards certificate

NA

Food hygiene certificate

NA

*** Data Protection Act 1998**

The information on this form may be held on an electronic public register which may be available to members of the public on request.

Contact Us:

West Dunbartonshire Licensing Board
Council Offices
Garshake Road
Dumbarton
G82 3PU

Phone: 01389 738701
Email: licensing@west-dunbarton.gov.uk

OPERATING PLAN – Loch Lomond
Licensing (Scotland) Act 2005, section 20(2)(b)(i)

Question 1

STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

<i>1(a) Will alcohol be sold for consumption solely ON the premises?</i>	<i>NO</i>
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	<i>NO</i>
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	<i>YES</i>
<i>*Delete as appropriate</i>	

Question 2

STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION ON PREMISES

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	<i>11AM</i>	<i>12midnight</i>
<i>Tuesday</i>	<i>11AM</i>	<i>12midnight</i>
<i>Wednesday</i>	<i>11AM</i>	<i>12midnight</i>
<i>Thursday</i>	<i>11AM</i>	<i>12midnight</i>
<i>Friday</i>	<i>11AM</i>	<i>1AM</i>
<i>Saturday</i>	<i>11AM</i>	<i>1AM</i>
<i>Sunday</i>	<i>11AM</i>	<i>12midnight</i>

Question 3**STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION OFF PREMISES**

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	10AM	10PM
<i>Tuesday</i>	10AM	10PM
<i>Wednesday</i>	10AM	10PM
<i>Thursday</i>	10AM	10PM
<i>Friday</i>	10AM	10PM
<i>Saturday</i>	10AM	10PM
<i>Sunday</i>	10AM	10PM

Question 4**SEASONAL VARIATIONS**

<i>Does the applicant intend to operate according to seasonal demand</i>	YES
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****If YES – provide details***

The premises may take advantage of any general extension granted by the Board, including but not limited to the Festive Season.

Question 5

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

COL. 1 5(a) Activity	COL. 2 Please confirm YES/NO	COL. 3 To be provided during core licensed hours – please confirm YES/NO	COL. 4 Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Accommodation</i>	NO	N/A	N/A
<i>Conference facilities</i>	YES	YES	YES
<i>Restaurant facilities</i>	NO	NO	NO
<i>Bar meals</i>	YES	YES	YES
5(b) Activity Social functions including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Receptions including</i> <i>Weddings, funerals,</i> <i>birthdays, retirements</i> <i>etc.</i>	YES	YES	YES
<i>Club or other group</i> <i>meetings etc.</i>	YES	YES	YES
5(c) Activity Entertainment including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Recorded music – see</i> <i>5(g)</i>	YES	YES	YES
<i>Live performances</i> <i>see 5(g)</i>	YES	YES	YES
<i>Dance facilities</i>	NO	NO	NO
<i>Theatre</i>	YES	YES	YES

Films	YES	YES	YES
Gaming	YES	YES	NO
Indoor/outdoor sports	NO	NO	NO
Televised sport	YES	YES	YES
5(d) Activity	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Outdoor drinking facilities	YES	YES	YES
5(e) Activity	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Adult entertainment	NO	NO	NO

Where you have answered YES in respect of any entry in column 4 above, please provide further details below.

The premises operate as a working brewery. Ancillary meetings and presentations may occur within and outwith core hours and certain activities, noted above, may be available during this time but the public will not be involved prior to 9am or post terminal hour.

5(f) any other activities

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.

Dispatch point for on line sales incorporating warehouse, brewery, taproom, retail and offices. Brewery tours, trade, charity and community events, tastings and related events may take place from time to time.

5(g) Late night premises opening after 1.00am

<i>Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?</i>	<i>N/A</i>
<i>When fully occupied, are there likely to be more customers standing than seated?</i>	<i>N/A</i>
<i>*Delete as appropriate</i>	

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

6(a)	<i>When alcohol is being sold for consumption on the premises will children or young persons be allowed entry</i>	YES
	<i>*Delete as appropriate</i>	

6(b) *Where the answer to 6(a) is YES provide statement of the TERMS under which they will be allowed entry*

Children and young persons are permitted when accompanied by an adult.

6(c) *Provide statement regarding the AGES of children or young persons to be allowed entry*

0-17.

6(d) *Provide statement regarding the TIMES during which children and young persons will be allowed entry*

Children and young persons will be permitted access until 9pm or until the end of a private event.

6(e) *Provide statement regarding the **PARTS** of the premises to which children and young persons will be allowed entry*

All public parts.

Question 7

CAPACITY OF PREMISES

What is the proposed capacity of the premises to which this application relates?

70 persons

16.5 m2

Question 8

PREMISES MANAGER (NOTE: not required where application is for grant of provisional premises licence)

Personal details

8(a) *Name*

8(b) *Date of birth*

8(c) *Contact address*

8(d) *Email address*

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8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

If signing on behalf of the applicant please state in what capacity.

The contents of this operating plan are true to the best of my knowledge and belief.

Signature  (as a )

Date 06/09/2021

Capacity AGENT

Telephone number and email address of signatory 

*** Data Protection Act 1998**

The information on this form may be held on an electronic public register which may be available to members of the public on request.



THE LICENSING (SCOTLAND) ACT, 2005 (SECTION 50)

Planning Certificate

ADDRESS OF PREMISES TO WHICH THIS CERTIFICATE APPLIES:-

Loch Lomond Brewery Ltd
Unit 12
Vale of Leven Industrial Estate
Dumbarton
G82 3PD

**ON BEHALF OF WEST DUNBARTONSHIRE COUNCIL,
I HEREBY CERTIFY:-**

That (a) Loch Lomond Brewery Ltd
Block 1 Unit 5
Lomond Industrial Estate
Alexandria
G83 0TL

Does not require planning permission for the use of the above premises as a brewery with ancillary tap room because the proposal does not involve a material change of use from the existing established use.

Signed:

Pamela Clifford

Date: 30th August 2021

Planning, Building Standards and Environmental Health Manager

SCHEDULE 6

Regulation 7

DISABLED ACCESS AND FACILITIES STATEMENT

Licensing (Scotland) Act 2005, section 20(2)(b)(iia)

Question 1

Disabled access and facilities

1(a)	Is there disabled access to the premises	YES
1(b)	Do you have facilities for those with a disability	YES
1(c)	Do you have any other provisions available to aid the use of the premises by disabled people	YES
<i>*Delete as appropriate</i>		

If you have answered Yes to any of the questions above please complete, as appropriate, the following sections.

Question 2

Disabled access to, from and within the premises

Please provide clear and detailed description of how accessible the premises are for disabled people. e.g. ramps, accessible floors, signage.

- Access to public areas is by wide access doors and a temporary ramp can be provided for those in a wheel chair
- Once principal access gained the premises are on one level
- All public areas are accessible

Question 3

Facilities available

Please describe in detail the facilities provided for disabled people. e.g. disabled toilets, lifts, accessible tables.

- Disabled WC
- Occasional furniture positioned and moveable to accommodate those with access/ mobility issues
- Other reasonable adjustments can be made

Question 4

Other provisions

Please provide details of any other provisions made to aid the use of the premises by disabled people. e.g. assistance dogs welcome, large print menus.

- Staff are trained to assist disabled patrons, for example in retrieving bottles from shelving or relay/ read menu.
- Table service can be offered

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

If signing on behalf of the applicant please state in what capacity.

The contents of this disabled access and facilities statement are true to the best of my knowledge and belief.

Signature * (see note below)

Date01/09/2021.

Capacity AGENT

Telephone number and email address of signatory

*** Data Protection Act 1998**

The information on this form may be held on an electronic public register which may be available to members of the public on request."