

West Dunbartonshire Licensing Board

*Peter Hessett, LLB(Hons), DipLP, Clerk to the Licensing Board
Council Offices, 16 Church Street, Dumbarton G82 1QL
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25 November 2021

MEETING OF WEST DUNBARTONSHIRE LICENSING BOARD:- WEDNESDAY, 8 DECEMBER 2021

Dear Sir/Madam

Notice is hereby given that a Meeting of West Dunbartonshire Licensing Board will be held at 10.00 a.m. on Wednesday, 8 December 2021. **A pre-meeting for Board Members will be held at 9.15 a.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, 16 Church Street, Dumbarton, G82 1QL.

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: 25 November 2021

LICENSING BOARD – WEDNESDAY, 8 DECEMBER 2021

AGENDA

1 APOLOGIES

2 PROCEDURE OF MEETING – APPLICATION WITH OBJECTIONS 5 - 6

Submit for noting, the Licensing Board' procedure for dealing with applications where Objection(s) have been received.

3 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.

4 MINUTES OF PREVIOUS MEETING 7 - 8

Submit for approval, as a correct record, the Special Meeting of Licensing Board held on Tuesday, 2 November 2021.

5 APPLICATION FOR VARIATION OF PREMISES LICENCE 9 - 21

Submit for consideration, application for Variation of Premises Licence for McKenzies Bar, 41/43 Main Street, Alexandria, G83 0DY.

6 APPLICATION FOR VARIATION OF PREMISES LICENCE 23 - 43

Submit for consideration, application for Variation of Premises Licence for The Cabin Inn, 474 Dumbarton Road, Dalmuir, Clydebank, G81 4DN.

7 APPLICATION FOR VARIATION OF PREMISES LICENCE 45 - 62

Submit for consideration, application for Variation of Premises Licence for Empire Cinema, 23A Britannia Way, Clydebank, G81 2RZ.

8/

8 APPLICATION FOR OCCASIONAL LICENCE 63 - 66

Submit for consideration, application for Occasional Licence for Mangiano, 53 Sylvania Way South, Clyde Shopping Centre, Seaforth Road Clydebank, G81 1EA.

9 THE GAMBLING ACT 2005: REVIEW OF LICENSING BOARD'S STATEMENT OF PRINCIPLES 67 - 107

Submit report by Depute Clerk to the Board advising the Board on the consultation responses received in relation to the Licensing Board's review of the Statement of Principles under the Gambling Act 2005, and to seek the Board's approval of the draft final version of the Statement of Principles.

Contact: Lynn Straker, Committee Officer
Email: lynn.straker@west-dunbarton.gov.uk

West Dunbartonshire Licensing Board

Procedure for Licensing Board Meeting – 8 December 2021

1. The meeting of the Licensing Board on 8 December 2021 will be a Hybrid meeting.
2. **Members will require to be logged into the Board meeting at least 15 minutes prior to the scheduled commencement of the Board meeting** and when asked to input their name on Zoom Video Conference should do so in the following format – CLLR JOHN DOE. Members should not leave the meeting during any hearings. If Members do leave, they will not be able to take part in the decision on any item of business they are not present for.
3. The Chair will welcome members and participants to the meeting both in the Civic Space and on Zoom, then the Clerk to the Board will outline the normal Licensing Board procedure that the Board will follow for the items on the agenda.
4. The Chair will make a direction that no photography or recording of the proceedings will be made by any party without the Chair's prior approval.
5. The Chair will take charge of the meeting and will advise that attendance and any apologies for absence will be recorded. Committee Services will then record the list of Licensing Board members and parties that are present both in the Civic Space and on Zoom.
6. The Chair will introduce each item on the agenda and in consultation as required with the Clerk to the Board will manage the review process as outlined at point 12 below.
7. At the conclusion of the Board Procedures there will be a debate followed by decision on each item of business and the Clerk to the Board will confirm the vote on each item of business and this will be recorded.
8. Following determination of the Board business, the Chair will bring the meeting to a close.
12. **Procedure for Application with Objections:-**
 - a Check whether applicant and/or agent and objectors are present and detail objection(s) made.

- b Ask the applicant if there are any preliminary issues. This is the applicant's opportunity to object to objections. It is for the Board to decide whether an objection is vexatious or frivolous. The objector whose objection is being challenged should be asked for their comments.
- c Hear from Licensing Standards Officer (LSO), and hear from any other Council Officers as required.
- d Opportunity for applicant, then objectors, followed by Board Members and their advisor to put questions to LSO and any other party as above.
- e Hear from objectors in turn.
- f Opportunity for applicant to ask questions of objectors through the Chair, followed by questions from Board Members and their advisor.
- g Hear from the applicant or agent.
- h Opportunity for objectors to put questions to applicant through Chair, followed by questions from Board Members and their advisor.
- i The LSO, any objectors and thereafter the applicant to be given an opportunity to sum up. No new material should be introduced at this stage.
- j Debate followed by decision.

NOTE – if there are any issues which the Board is concerned about (particularly issues which might result in a refusal) the Board should invite the applicant to address them on these issues.

WEST DUNBARTONSHIRE LICENSING BOARD

At a Hybrid Meeting of West Dunbartonshire Licensing Board held in the Civic Space, 16 Church Street, Dumbarton on Tuesday, 2 November 2021 at 2.01 p.m.

Present: Councillors Ian Dickson, Diane Docherty, Jonathan McColl and John Millar.

Attending: Peter Hessett, Clerk to the Licensing Board; Raymond Lynch, Depute Clerk to the Licensing Board, Robert Mackie, Senior Officer (Licensing Services); Peter Clyde, Licensing Standards Officer and Lynn Straker, Committee Officer.

Also Attending: Niall Hassard, Solicitor and Representative for Loch Lomond Brewery and Fiona MacEachern, Applicant, Loch Lomond Brewery.

Apologies: Apologies for absence were intimated on behalf of Wendy Maginnis, Licensing Sergeant – Police Scotland and Councillors Karen Conaghan, Caroline McAllister and Brian Walker.

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 Special Licensing Board held on Thursday, 14 October 2021 were submitted and approved as a correct record.

APPLICATION FOR PROVISIONAL PREMISES LICENCE

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

After discussion and having heard from the Clerk to the Licensing Board, the Solicitor, Mr Niall Hassard, as representative of the Applicant spoke to the terms of

the application and the Depute Clerk to the Licensing Board in further explanation and in answer to Members' questions, the Committee moved to agree the application as presented.

DECIDED:-

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

The meeting closed at 2.19 p.m.

DRAFT

THE LICENSING (SCOTLAND) ACT 2005

Application for Variation of Premises Licences

Ref: WDLBPREM/0031

Name and Address of Premises: McKenzies Bar, 41/43 Main Street, Alexandria G83 0DY

Applicant/Licence Holder: Brunton Miller Solicitors, 22 Herbert Street, Glasgow G20 6NB

Type of Premises: On and Off Sales.

Proposed Application: This application seeks to permit an outdoor drinking area to the rear of the premises.

The terminal hour for the sale of alcohol for consumption off the premises will be 10.00 p.m. and the Operating Plan is amended accordingly.

An external area as shown on the attached drawings is to be added to the premises layout.

Police Authority Comments: No Police Objection.

Licensing Standards Comments: No adverse comment at this stage however, a late comment may be forthcoming after the planned site visit on 3 December 2021.

Fire Authority Comments: No comment received.

Regulatory Services Comments: No objection to the above application. The following comment is made:

Environmental Health have requested that the use of any outdoor seating is restricted to no later than 9pm and that 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: No Active Community Council.

Health Board Comments: No comment received.

Access Panel: No comment received.

Additional Comments: None.

Section 50 Certificates: Not required.

Decision:

WEST DUNBARTONSHIRE LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

APPLICATION FOR VARIATION OF PREMISES LICENCE

If you are completing this form by hand, please write legibly in block capitals using ink.

SECTION 1: APPLICANT INFORMATION

1(a) Name, address, postcode and premises licence number of premises.

McKenzie's Bar, 41/43 Main Street, Alexandria

Post Code G83 0DY

Premises Licence Ref. No.

WDLBPREM/0031

1(b) Please provide full name, address, postcode, telephone number and e-mail address of applicant.

The Wright Partnership, [REDACTED]

Post Code

Telephone
No.

E-mail
address

SECTION 2: MINOR VARIATIONS

2(a) Do you consider the proposed variation to be a minor variation? YES ☐ NO ☒

(If the answer is **YES**, please complete the rest of Section 2. If NO, please go to Section 3)

2(b) Do you propose a variation to the layout plan which is not inconsistent with the operating plan for the Premises?

YES ☐ NO ☐

(If the answer is **YES**, please give details of the proposed variation below)

2(c) Do you propose to restrict the terms on which children and young persons are admitted to the premises?

YES ☐ NO ☐

(If the answer is **YES**, please give details of the proposed variation below)

2(d) Do you propose to vary the information contained in the licence relating to the premises manager, including variation to substitute a new premises manager?

YES ☐ NO ☐

(If the answer is **YES**, please complete Section 4 below)

2(e) Do you propose any other variation as prescribed by Section 29(6)(d) of the 2005 Act?

YES ☐ NO ☐

(If the answer is **YES**, please give details of the proposed variation below)

SECTION 3: OTHER VARIATIONS

3(a) Do you propose a variation to any of the conditions to which the licence is subject (other than those to which the licence is subject by virtue of Section 27(1))?

YES ☐ NO ☒

(If the answer is **YES**, please give details of the proposed variation below)

3(b) Do you propose to vary any of the information contained in the operating plan contained in the licence?

YES ☒ NO ☐

(If the answer is **YES**, please give details of the proposed variation below)

In Question 5d of the Operating Plan the answer will be changed to "YES, YES, NO".

The capacity at Q7 will show an external capacity of 54.

The terminal hour for the sale of alcohol for consumption off the premises will be 10.00pm and the Operating Plan is amended accordingly.

3(c) Do you propose a variation to the layout plan contained in the licence?

YES ☒ NO ☐

(If the answer is **YES**, please give details of the proposed variation below)

An external area as shown on the attached drawings is to be added to the premises layout.

3(d) Do you propose to vary any other information contained or referred to in the licence, including an addition, deletion or other modification?

YES ☐

NO ☒

(If the answer is **YES**, please give details of the proposed variation below)

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SECTION 4: VARIATION TO SUBSTITUTE NEW PREMISES MANAGER

Please provide details below of the name, address and personal licence number of the Existing Premises Manager.

N/A	
Reference Number of Personal Licence	

PROPOSED PREMISES MANAGER

4(a) Name and telephone number

Telephone No.	

4(b) Date and place of birth

--

4(c) Contact address, including postcode

Postcode	

4(d) Email address

--

4(e) Details of Personal Licence held by Proposed Premises Manager

Date of issue	Name of Licensing Board issuing	Reference Number of Personal Licence

(Please enclose a photostat copy of the Personal Licence if it was not issued by West Dunbartonshire Licensing Board).

4(f) Is the variation to substitute a new Premises Manager to take effect during the application period?

YES ☐ NO ☐

(If the answer is **NO**, please provide the proposed date from which the variation is to take effect).

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DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

I confirm that the contents of this application are true to the best of my knowledge and belief.

The application fee is enclosed.

Signature [REDACTED] (See Note 1 below)

DateMonday, 16th August 2021

Capacity AGENT

If agent, please provide name, address, telephone number and email address:

...Brunton Miller, Solicitors

[REDACTED]
[REDACTED]

.....

I have enclosed the relevant documents with this application – please tick the relevant boxes	
Premises Licence (See Note 2)	
Operating Plan (see Note 3)	
Layout Plans (see Note 3)	

Planning certificate (See Note 3)	
Building standards certificate (See Note 4)	
Food hygiene certificate (See Note 4)	
Copy of Personal Licence	

Notes

Note 1:

Data Protection Act 1998

The information in this form will be used to update the relevant Premises Licence. Accordingly, the information contained in this form may be held on an electronic public register which may be available to members of the public on request.

Note 2:

The application must be accompanied by the Premises Licence to which the application relates, or if that is not practicable, a statement of the reasons for failure to produce the licence.

Note 3:

Where the proposed variation affects the current operating plan, please submit an operating plan including the proposed variations. Where the proposed variation affects the current layout plan, please submit 6 sets of plans showing the proposed new layout of the premises.

Note 4:

Applicants for variations involving structural alterations should submit the relevant Section 50 certificates with their application.

OPERATING PLAN

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>	YES /NO
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	YES /NO
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	YES/ NO *
<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>	11:00 AM	12 MIDNIGHT
<i>Tuesday</i>	11:00 AM	12 MIDNIGHT
<i>Wednesday</i>	11:00 AM	12 MIDNIGHT
<i>Thursday</i>	11:00 AM	12 MIDNIGHT
<i>Friday</i>	11:00 AM	1:00 AM
<i>Saturday</i>	11:00 AM	1:00 AM
<i>Sunday</i>	11:00 AM	12 MIDNIGHT

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>	11:00 AM	10:00 PM
<i>Tuesday</i>	11:00 AM	10:00 PM
<i>Wednesday</i>	11:00 AM	10:00 PM
<i>Thursday</i>	11:00 AM	10:00 PM
<i>Friday</i>	11:00 AM	10:00 PM
<i>Saturday</i>	11:00 AM	10:00 PM
<i>Sunday</i>	11:00 AM	10:00 PM

Question 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>YES</i> <i>NO</i> *
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**If YES – provide details*

During such hours as the Board might allow for the Festive Season and other special events.

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	NO	NO
<i>Conference facilities</i>	NO	N/A	N/A
<i>Restaurant facilities</i>	NO	N/A	N/A
<i>Bar meals</i>	NO	N/A	N/A
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>	NO	N/A	N/A
<i>Club or other group</i> <i>meetings etc.</i>	YES	YES	NO
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	NO
<i>Live performances –</i> <i>see 5(g)</i>	YES	YES	NO
<i>Dance facilities</i>	NO	NO	NO
<i>Theatre</i>	NO	NO	NO
<i>Films</i>	NO	NO	NO

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

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

--

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.

None.

5(g) Late night premises opening after 1.00am

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

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

6(a)	When alcohol is being sold for consumption on the premises will children or young persons be allowed entry	NO
	*Delete as appropriate	

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

--

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

--

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

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

Question 7

CAPACITY OF PREMISES

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

70
External Area - 54

Question 8

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

Personal details

8(a) Name

Avril McGeachy

8(b) Date of birth

8(c) Contact address

8(d) Email address

--

8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
May 2009	West Dunbartonshire	WD0172

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  ... * (see note below)

DateMonday, 16th August 2021

Capacity ~~APPLICANT~~/AGENT (delete as appropriate).

Telephone number and email address of signatory 

N* 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
16 Church Street
Dumbarton
G82 1QL

Phone: 01389 738741
Email: licensing@west-dunbarton.gov.uk

THE LICENSING (SCOTLAND) ACT 2005

Application for Variation of Premises Licences

OBJECTION

Ref: WDLBPREM/0076

Name and Address of Premises: The Cabin Inn, 474 Dumbarton Road, Clydebank G81 4DN

Applicant/Licence Holder: Rosemount Taverns, 5 Fitzroy Place, Glasgow, G3 7RH

Type of Premises: On and Off Sales.

Proposed Application: Amend the Operating Plan to add outdoor drinking during core hours.

Amend Layout Plan to incorporate the external area into the existing plan.

Police Authority Comments: No Police Objection.

Licensing Standards Comments: Applicant has asked to have the external area licensed during core hours however the Board's Policy recommends a terminal hour of 2200.

No adverse comment has been received however, a late comment may be forthcoming after the planned site visit on 3 December.

Fire Authority Comments: No comments received.

Regulatory Services Comments: Environmental Health have requested that the use of any outdoor area / seating is restricted to no later than 9pm and that 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: No Community Council

Health Board Comments: **OBJECTION. Letter included in Document Pack.**

Access Panel: No comments received.

Additional Comments: None.

Section 50 Certificates: Not required.

Decision:

WEST DUNBARTONSHIRE LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

APPLICATION FOR VARIATION OF PREMISES LICENCE/ PROVISIONAL PREMISES LICENCE*

***Delete as appropriate**

If you are completing this form by hand, please write legibly in block capitals using ink.

SECTION 1: APPLICANT INFORMATION

1(a) Name, address, postcode and premises licence number of premises.

Cabin Inn 474 Dumbarton Road Dalmuir Clydebank			
Post Code	G81 4DN	Premises Licence Ref. No.	WDL8PREM/0076

1(b) Please provide full name, address, postcode, telephone number and e-mail address of applicant.

<p>Rosemount Taverns Ltd 5 Fitzroy Place Glasgow</p>					
Post Code	G3 7RH	Telephone No.	0141-221 7799	E-mail address	cbruce@rosemounttaverns.co.uk

SECTION 2: MINOR VARIATIONS

2(a) Do you consider the proposed variation to be a minor variation? YES ☐ NO ☐

(If the answer is **YES**, please complete the rest of Section 2. If **NO**, please go to Section 3)

2(b) Do you propose a variation to the layout plan which is not inconsistent with the operating plan for the Premises?

YES ☐ **NO** ☐

(If the answer is **YES**, please give details of the proposed variation below)

[illegible]

2(c) Do you propose to restrict the terms on which children and young persons are admitted to the premises?

YES ☐ NO ☐

(If the answer is **YES**, please give details of the proposed variation below)

2(d) Do you propose to vary the information contained in the licence relating to the premises manager, including variation to substitute a new premises manager?

YES ☐ NO ☐

(If the answer is **YES**, please complete Section 4 below)

2(e) Do you propose any other variation as prescribed by Section 29(6)(d) of the 2005 Act?

YES ☐ NO ☐

(If the answer is **YES**, please give details of the proposed variation below)

SECTION 3: OTHER VARIATIONS

3(a) Do you propose a variation to any of the conditions to which the licence is subject (other than those to which the licence is subject by virtue of Section 27(1))?

YES ☐ NO ☐

(If the answer is **YES**, please give details of the proposed variation below)

3(b) Do you propose to vary any of the information contained in the operating plan contained in the licence?

YES ☐ **NO** ☐

(If the answer is **YES**, please give details of the proposed variation below)

Amend the operating plan to add outdoor drinking during core hours.

3(c) Do you propose a variation to the layout plan contained in the licence?

YES ☐ **NO** ☐

(If the answer is **YES**, please give details of the proposed variation below)

Amend layout plan to incorporate the external area into the existing plan.

3(d) Do you propose to vary any other information contained or referred to in the licence, including an addition, deletion or other modification?

YES ☐ **NO** ☐

(If the answer is **YES**, please give details of the proposed variation below)

SECTION 4: VARIATION TO SUBSTITUTE NEW PREMISES MANAGER

Please provide details below of the name, address and personal licence number of the Existing Premises Manager.

Reference Number of Personal Licence	

PROPOSED PREMISES MANAGER

4(a) Name and telephone number

Telephone No.	

4(b) Date and place of birth

--

4(c) Contact address, including postcode

Postcode	

4(d) Email address

--

4(e) Details of Personal Licence held by Proposed Premises Manager

Date of issue	Name of Licensing Board issuing	Reference Number of Personal Licence

(Please enclose a photostat copy of the Personal Licence if it was not issued by West Dunbartonshire Licensing Board).

4(f) Is the variation to substitute a new Premises Manager to take effect during the application period?

YES ☐ NO ☐

(If the answer is **NO**, please provide the proposed date from which the variation is to take effect).

--

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

I confirm that the contents of this application are true to the best of my knowledge and belief.

The application fee is enclosed

Signature (See Note 1 below)

Date 3rd August 2021

Capacity APPLICANT/ (delete as appropriate)

If agent, please provide name, address, telephone number and email address:

.....
.....
.....
.....

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

Premises Licence (See Note 2)	
Operating Plan (see Note 3)	
Layout Plans (see Note 3)	
Planning certificate (See Note 4)	
Building standards certificate (See Note 4)	
Food hygiene certificate (See Note 4)	
Copy of Personal Licence	

Notes

Note 1:

Data Protection Act 1998

The information in this form will be used to update the relevant Premises Licence. Accordingly, the information contained in this form may be held on an electronic public register which may be available to members of the public on request.

Note 2:

The application must be accompanied by the Premises Licence to which the application relates, or if that is not practicable, a statement of the reasons for failure to produce the licence.

Note 3:

Where the proposed variation affects the current operating plan, please submit an operating plan including the proposed variations. Where the proposed variation affects the current layout plan, please submit 6 sets of plans showing the proposed new layout of the premises.

Note 4:

Applicants for variations involving structural alterations should submit the relevant Section 50 certificates with their application.

Data Protection Act 1998

The information in this form will be used to update the relevant Premises Licence. Accordingly, the information contained in this form may be held on an electronic public register which may be available to members of the public on request.

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West Dunbartonshire Licensing Board
Council Offices
16 Church Street
Dumbarton
G82 1QL

Phone: 01389 738741
Email: licensing@west-dunbarton.gov.uk

OPERATING PLAN

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>	10.00am	12 midnight
<i>Tuesday</i>	10.00am	12 midnight
<i>Wednesday</i>	10.00am	12 midnight
<i>Thursday</i>	10.00am	12 midnight
<i>Friday</i>	10.00am	1.00 am
<i>Saturday</i>	10.00am	1.00 am
<i>Sunday</i>	10.00am	12 midnight

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>	11.00 am	10.00 pm
<i>Tuesday</i>	11.00 am	10.00 pm
<i>Wednesday</i>	11.00 am	10.00 pm
<i>Thursday</i>	11.00 am	10.00 pm
<i>Friday</i>	11.00 am	10.00 pm
<i>Saturday</i>	11.00 am	10.00 pm
<i>Sunday</i>	11.00 am	10.00 pm

Question 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>YES</i>
--	------------

**If YES – provide details*

During the festive period as defined by West Dunbartonshire Licensing Board the premises will operate additional hours for the sale of alcohol in accordance with the Board's policy in that regard.

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	NO	NO
<i>Conference facilities</i>	NO	NO	NO
<i>Restaurant facilities</i>	NO	NO	NO
<i>Bar meals</i>	YES	YES	NO
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	NO
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	NO
<i>Live performances –</i> <i>see 5(g)</i>	YES	YES	NO
<i>Dance facilities</i>	YES	YES	NO
<i>Theatre</i>	NO	NO	NO

<i>Films</i>	YES	YES	NO
<i>Gaming</i>	YES	YES	NO
<i>Indoor/outdoor sports</i>	YES	YES	NO
<i>Televised sport</i>	YES	YES	NO
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
<i>Outdoor drinking facilities</i>	YES	YES	NO
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
<i>Adult entertainment</i>	NO	NO	NO

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

In respect of on-sales: premises to open at 10am for funeral receptions only, Monday to Sunday in line with the Board's Policy and, subject to the condition that on each occasion when it is intended that alcohol will be sold in the premises before 11am in connection with the funeral receptions, 24 hours' notice must be given to the office of the Clerk to the Licensing Board and the local Police Authority; premises to open at 11am at all other times, when funeral receptions are not taking place, in line with the Board's policy.

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.

Quiz nights will take place during core licensed hours only.

--

5(g) Late night premises opening after 1.00am

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?	YES/NO*
---	---------

When fully occupied, are there likely to be more customers standing than seated?	YES/NO*
*Delete as appropriate	

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

6(a)	When alcohol is being sold for consumption on the premises will children or young persons be allowed entry	YES/NO*
	*Delete as appropriate	

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 will only be allowed access to the premises if accompanied by an adult (i.e. person over 18 years) and that for the purposes of the consumption of a meal.

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

There will be no restrictions on the ages of children or young persons to be allowed entry subject to the foregoing conditions.

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

Children and young persons will be restricted to the hours of 11am to 8pm Monday to Saturday and 12.30pm to 8pm on Sunday again subject to the foregoing conditions.

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

Children and young persons will be allowed to access all public parts of the premises.

Question 7

CAPACITY OF PREMISES

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

135.5 square metres

Question 8

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

Personal details

8(a) *Name*

Andrew McQuade

8(b) *Date of birth*

8(c) *Contact address*

--

8(d) *Email address*

--

8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
11/2/2019	City of Glasgow	GC11437

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 ... [redacted] * (see note below)

Date 3rd August 2021

Capacity Director

Telephone number and email address of signatory

[redacted]

[redacted]

*** 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
16 Church Street
Dumbarton
G82 1QL**

**Phone: 01389 738741
Email: licensing@west-dunbarton.gov.uk**

Mr Hessett

Date 19 November 2021
Your Ref
Our Ref LdeC/RB
Enquiries to Linda de Caestecker
Direct Line 0141 201 4623
E-mail linda.decaestecker@ggc.scot.nhs.uk

Dear Mr Hessett,

LICENSING BOARD APPLICATION: WDLBPREM0076

Thank you for notification of the above application for a variation to the premises licence for The Cabin Inn, 474 Dumbarton Road, Dalmuir, Clydebank, G81 4DN, where the applicant has requested outdoor space.

I, as remitted by NHS Greater Glasgow and Clyde health board, have reviewed the application and the relevant evidence and object to the licence requested on the grounds that:

- it is inconsistent with the licensing objective of Protecting and Improving Public Health

The premises are located in 2011 Intermediate Zone IZ02, which is named in the West Dunbartonshire Licensing Board Policy Statement (November 2018)¹ as IZ02 Clydebank Central inc. Dalmuir (part) & Whitecrook (part) and is a designated area of overprovision.

The outdoor space requested by the applicant is front facing in an area which is visible to members of the public. The wider impact of the visual consumption of alcohol in this area must be considered in regards to vulnerable people and children and young people, particularly as the premises is located adjacent to a bus stop. There is evidence to show that the proximity to strangers drinking increases the potential harm to people in the same vicinity and that these harms will be experienced more greatly by those who are more vulnerable². In regards to children and young people The Children's Parliament³ published a report stating that children feel safer when alcohol is less visible around them and that children believe they would be less likely to start drinking alcohol if it was less prevalent in society as a whole. Recent West Dunbartonshire data from the Scottish Schools Adolescent and Lifestyle Survey (SALSUS, 2018)⁴ show an increase in the

¹ <https://www.west-dunbarton.gov.uk/media/4315882/statement-of-licensing-policy-2018-2022.pdf>

² <https://apps.who.int/iris/rest/bitstreams/1257256/retrieve>

³ <https://www.childrensparliament.org.uk/wp-content/uploads/Alcohol-free-Childhood-Online.pdf>

⁴ <https://www.gov.scot/binaries/content/documents/govscot/publications/statistics/2019/11/scottish-schools-adolescent-lifestyle-substance-use-survey-salsus-national-overview-2018/documents/summary-findings-west->

percentage of young people who have tried an alcoholic drink and an increase in those who have ever been drunk in comparison to the previous survey conducted in 2013. In 2018, 72% of 13 year olds in West Dunbartonshire reported having ever been drunk.

The most recently published alcohol-related health data for IZ02 Clydebank Central inc. Dalmuir (part) & Whitecrook (part) includes the following:

Alcohol Related Emergency Admissions The evidence⁵ considered by the Licensing Board in January 2018 showed that rate in IZ02 was 134.9 per 10,000 Head of Population (HoP) compared to 82.2 per 10,000 HoP for West Dunbartonshire. The most recent data published in October 2021 shows that this has **increased** to 152 per 10,000 HoP and is considerably higher than the West Dunbartonshire average of 90 per HoP.

Alcohol Related Brain Damage (ARBD) The evidence considered by the Licensing Board in January 2018 showed that the rate in IZ02 was lower than the West Dunbartonshire average (19.9 per 10,000 Head of Population (HoP) in IZ02 compared to 24.4 per 10,000 HoP for West Dunbartonshire). The most recent data for published in October 2021 confirms that this has **increased** and is now higher than West Dunbartonshire (34.4 per 10,000 HoP in IZ02 compared to 22.6 per 10,000 HoP for West Dunbartonshire).

Alcohol Related Deaths The evidence considered by the Licensing Board in January 2018 showed that the rate in IZ02 was 5.2 per 10,000 HoP which was higher than the West Dunbartonshire average at the time (2.8 per 10,000 HoP). The most recent data published in October 2021 shows that this has **increased** whilst the West Dunbartonshire average has remained the same (8.6 per 10,000 HoP for IZ02 compared to 2.8 per 10,000 for West Dunbartonshire).

Alcohol Related Mental Health Discharges The evidence considered by the Licensing Board in January 2018 showed that the rate in IZ02 was 10 per 10,000 HoP which was higher than the West Dunbartonshire average at the time (6.3 per 10,000 HoP). The most recent data published in October 2021 shows that this has **more than doubled** (23.6 per 10,000 HoP for IZ02 compared to 7.8 per 10,000 for West Dunbartonshire).

Therefore, having considered the application and the latest data and evidence available, on behalf of the health board, I object to this application on the grounds that the variation to the premises licence is inconsistent with the licensing objectives of Protecting and Improving Public Health.

dunbartonshire-council/summary-findings-west-dunbartonshire-council/govscot%3Adocument/summary-findings-west-dunbartonshire-council.pdf

⁵ [http://wdccmis.west-](http://wdccmis.west-dunbarton.gov.uk/CMIS5/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=kmeN55xqWAjPpSqq%2b%2fCBGJ%2fL336ju9Ovsqt7ZhtyznBX7iyZYUgJ9Q%3d%3d&rUzwRPf%2bZ3zd4E7Ikn8Lyw%3d%3d=pw)

dunbarton.gov.uk/CMIS5/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=kmeN55xqWAjPpSqq%2b%2fCBGJ%2fL336ju9Ovsqt7ZhtyznBX7iyZYUgJ9Q%3d%3d&rUzwRPf%2bZ3zd4E7Ikn8Lyw%3d%3d=pw PAGE 151

Yours sincerely

A handwritten signature in black ink, reading "Linda De Caestecker". The script is cursive and fluid, with the first name "Linda" and last name "De Caestecker" clearly distinguishable.

DR LINDA DE CAESTECKER
Director of Public Health

THE LICENSING (SCOTLAND) ACT 2005

Application for Variation of Premises Licences

Ref: WDLBPREM/0284

Name and Address of Premises: Empire Cinema, 23 Britannia Way, Clydebank G81 2RZ

Applicant/Licence Holder: DLA Piper UK LLP, 1 St Paul's Place, Sheffield S1 2JX

Type of Premises: On Sales.

Proposed Application: This application seeks to vary premises licence 'WDLBPREM/0284 Empire Cinema' to include the sub area with the same complex, known as 'WDLBPREM/0295 Matzaluna' within the Empire Cinema licence.

Also the applicant proposes to amend condition 3 of WDLBPREM/0284 Empire Cinema as follows:-

"Alcohol served within the cinema area of the premises shall not be served in a glass container unless already contained within a plastic receptacle, all alcohol to be consumed in the cinema areas must be decanted into a plastic cup. Alcohol can be served for consumption in the restaurant in a glass container when purchased as part of a meal."

Finally, this application also requests to update the screen capacity information in the operating plan to add the restaurant capacity as follows:

Screen 1 – 188
 Screen 2 – 202
 Screen 3 – 229
 Screen 4 – 254
 Screen 5 – 387
 Screen 6 – 383
 Screen 7 – 254
 Screen 8 – 230
 Screen 9 – 202
 Screen 10 – 202
 (including accessible seating)
 Screen total – 64

The operating plan will also be updated to reflect that restaurant facilities are to be provided at the premises and that from time to time the applicant may cater for birthday parties and other celebrations in the cinema and restaurant.

As part of the application, the sections relating to children are also to be updated to include restaurant use.

The layout of the premises is sought to be varied in accordance with drawing number 5544, LIC 01 filed in support of this application.

To confirm all existing authorised licensable activities are to be extended include the additional restaurant area.

Police Authority Comments:	No Police Objection.
Licensing Standards Comments:	No adverse comment.
Fire Authority Comments:	No comments received.
Regulatory Services Comments:	No objection.
Community Council Comments:	No comments received.
Health Board Comments:	No comments received.
Access Panel:	No comments received.
Additional Comments:	None.
Section 50 Certificates:	Not required.
Decision:	

WEST DUNBARTONSHIRE LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

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

*Delete as appropriate

If you are completing this form by hand, please write legibly in block capitals using ink.

SECTION 1: APPLICANT INFORMATION

1(a) Name, address, postcode and premises licence number of premises.

Empire Clydebank
Clydebank Regional Centre
Clyde Shopping Centre
23 Britannia Way
Clydebank

Post Code **G81 2RZ**

Premises Licence Ref. No. **WDLBPREM/0284**

1(b) Please provide full name, address, postcode, telephone number and e-mail address of applicant.

Clydebank Cinema 2 Limited
63-65 Haymarket
London
SW1Y 4RL

Post Code **SW1Y 4RL**

Telephone
No. **[REDACTED]**

E-mail
address **[REDACTED]**

SECTION 2: MINOR VARIATIONS

2(a) Do you consider the proposed variation to be a minor variation? YES ☐ NO ☒

(If the answer is YES, please complete the rest of Section 2. If NO, please go to Section 3)

2(b) Do you propose a variation to the layout plan which is not inconsistent with the operating plan for the Premises? YES ☐ NO ☐

(If the answer is YES, please give details of the proposed variation below)

- 2(c) Do you propose to restrict the terms on which children and young persons are admitted to the premises?

YES ☐ NO ☐

(If the answer is YES, please give details of the proposed variation below)

- 2(d) Do you propose to vary the information contained in the licence relating to the premises manager, including variation to substitute a new premises manager?

YES ☐ NO ☐

(If the answer is YES, please complete Section 4 below)

- 2(e) Do you propose any other variation as prescribed by Section 29(6)(d) of the 2005 Act?

YES ☐ NO ☐

(If the answer is YES, please give details of the proposed variation below)

SECTION 3: OTHER VARIATIONS

- 3(a) Do you propose a variation to any of the conditions to which the licence is subject (other than those to which the licence is subject by virtue of Section 27(1))?

YES ☒ NO ☐

(If the answer is YES, please give details of the proposed variation below)

The operators of the cinema also operate the adjacent restaurant and a commercial decision has been made that both premises should be operated under one premises licence for consistency going forward. Therefore a variation application is submitted to bring the adjacent Matzaluna restaurant authorised under premises licence WDLBPREM/0295 under the remit of the cinema licence.

As part of the application we therefore wish to amend Licence Condition 3 to read as follows:

"Alcohol served within the cinema area of the premises shall not be served in a glass container. Unless already contained within a plastic receptacle, all alcohol to be consumed in the cinema areas must be decanted into a plastic cup. Alcohol can be served for consumption in the restaurant in a glass container when purchased as part of a meal"

3(b) Do you propose to vary any of the information contained in the operating plan contained in the licence?

YES ☒ NO ☐

(If the answer is YES, please give details of the proposed variation below)

The operators of the cinema also operate the adjacent restaurant and a commercial decision has been made that both premises should be operated under one premises licence for consistency going forward. Therefore a variation application is submitted to bring the adjacent Matzaluna restaurant authorised under premises licence WDLBPREM/0295 under the remit of the cinema licence.

As part of this application, we will be seeking to update the screen capacity information in the operating plan and add the restaurant capacity as follows:

Screen 1 – 188

Screen 2 – 202

Screen 3 – 229

Screen 4 – 254

Screen 5 – 387

Screen 6 – 383

Screen 7 – 254

Screen 8 – 230

Screen 9 – 202

Screen 10 – 202

(including accessible seating)

Screen Total – 2531

Restaurant Total – 64

The operating plan will also be updated to reflect that restaurant facilities are to be provided at the premises and that from time to time the applicant may cater for birthday parties and other celebrations in the cinema and restaurant.

As part of the application, the sections relating to children are also to be updated to include restaurant use.

3(c) Do you propose a variation to the layout plan contained in the licence?

YES ☒ NO ☐

(If the answer is YES, please give details of the proposed variation below)

The operators of the cinema also operate the adjacent restaurant and a commercial decision has been made that both premises should be operated under one premises licence for consistency going forward. Therefore a variation application is submitted to bring the adjacent Matzaluna restaurant authorised under premises licence WDLBPREM/0295 under the remit of the cinema licence.

The layout of the premises is sought to be varied in accordance with drawing number 5544:LIC 01 filed in support of this application.

To confirm all existing authorised licensable activities are to be extended include the additional restaurant area.

--

3(d) Do you propose to vary any other information contained or referred to in the licence, including an addition, deletion or other modification?

YES ☐ NO ☒

(If the answer is YES, please give details of the proposed variation below)

--

SECTION 4: VARIATION TO SUBSTITUTE NEW PREMISES MANAGER

Please provide details below of the name, address and personal licence number of the Existing Premises Manager.

Reference Number of Personal Licence	

PROPOSED PREMISES MANAGER

4(a) Name and telephone number

Telephone No.	

4(b) Date and place of birth

--

4(c) Contact address, including postcode

--

Postcode	

4(d) Email address

--

4(e) Details of Personal Licence held by Proposed Premises Manager

Date of issue	Name of Licensing Board Issuing	Reference Number of Personal Licence

(Please enclose a photostat copy of the Personal Licence if it was not issued by West Dunbartonshire Licensing Board).

4(f) Is the variation to substitute a new Premises Manager to take effect during the application period?

YES ☐ NO ☐

(If the answer is NO, please provide the proposed date from which the variation is to take effect).

--

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

I confirm that the contents of this application are true to the best of my knowledge and belief.

The application fee is enclosed.

Signature  (See Note 1 below)

Date 13 September 2021

Capacity ~~APPLICANT~~/AGENT (delete as appropriate)

If agent, please provide name, address, telephone number and email address:

Charlotte Gibson



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

Premises Licence (See Note 2)

Operating Plan (see Note 3)

Layout Plans (see Note 3)

Planning certificate (See Note 4)

Building standards certificate (See Note 4)

X

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Food hygiene certificate (See Note 4)	
Copy of Personal Licence	

Notes

Note 1:

Data Protection Act 1998

The information in this form will be used to update the relevant Premises Licence. Accordingly, the information contained in this form may be held on an electronic public register which may be available to members of the public on request.

Note 2:

The application must be accompanied by the Premises Licence to which the application relates, or if that is not practicable, a statement of the reasons for failure to produce the licence.

Note 3:

Where the proposed variation affects the current operating plan, please submit an operating plan including the proposed variations. Where the proposed variation affects the current layout plan, please submit 6 sets of plans showing the proposed new layout of the premises.

Note 4:

Applicants for variations involving structural alterations should submit the relevant Section 50 certificates with their application.

Data Protection Act 1998

The information in this form will be used to update the relevant Premises Licence. Accordingly, the information contained in 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
16 Church Street
Dumbarton
G82 1QL**

**Phone: 01389 738741
Email: licensing@west-dunbarton.gov.uk**

OPERATING PLAN

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>YES/NO*</i>
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	<i>YES/NO*</i>
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	<i>YES/NO*</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>	1100	0000
<i>Tuesday</i>	1100	0000
<i>Wednesday</i>	1100	0000
<i>Thursday</i>	1100	0000
<i>Friday</i>	1100	0000
<i>Saturday</i>	1100	0000
<i>Sunday</i>	1100	0000

Question 3

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

Day	OFF Consumption	
	Opening time	Terminal hour
Monday	N/A	N/A
Tuesday	N/A	N/A
Wednesday	N/A	N/A
Thursday	N/A	N/A
Friday	N/A	N/A
Saturday	N/A	N/A
Sunday	N/A	N/A

Question 4

SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand	YES/NO*
---	---------

**If YES – provide details*

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
Accommodation	N/A	N/A	N/A
Conference facilities	N/A	N/A	N/A
Restaurant facilities	YES	YES	YES
Bar meals	N/A	N/A	N/A
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
Receptions including Weddings, funerals, birthdays, retirements etc.	From time to time the applicant may hire out an auditorium for a private showing or presentation. This is usually to a company who wishes to hold a seminar presentation, promotional film or special film showing From time to time the applicant may cater for birthday parties and other celebrations in the cinema and restaurant.	YES	NO
Club or other group meetings etc.	See above	N/A	N/A
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
Recorded music – see 5(g)	YES	YES	NO

<i>Live performances – see 5(g)</i>	YES	YES	NO
<i>Dance facilities</i>	YES	YES	NO
<i>Theatre</i>	YES	YES	NO
<i>Films</i>	YES	YES	NO
<i>Gaming</i>	YES	YES	NO
<i>Indoor/outdoor sports</i>	NO	NO	NO
<i>Televised sport</i>	YES	YES	NO
5(d) <i>Activity</i>	<i>Please confirm</i> 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>Outdoor drinking facilities</i>	NO	N/A	N/A
5(e) <i>Activity</i>	<i>Please confirm</i> 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>Adult entertainment</i>	NO	N/A	N/A

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

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.

5(g) Late night premises opening after 1.00am

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

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

6(a)	When alcohol is being sold for consumption on the premises will children or young persons be allowed entry	YES/NO*
	*Delete as appropriate	

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

As a cinema showing films suitable for a range of ages and as a restaurant, children and young persons will be allowed entry into the premises.

For the protection of children and young persons, the applicant already operates a proof of age scheme and a "Challenge 25" policy is implemented in relation to all alcohol sales at the premises. All staff engaged in the sale of alcohol will be properly trained, particularly on the need to avoid underage sales.

In respect of the restaurant area, alcohol will only be sold when food is purchased.

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

Subject to the controls mentioned in the statement at 6(b), children and young children of all ages will be allowed entry onto the premises.

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

Subject to the controls mentioned in the statement at 6(b), children and young persons will be allowed entry onto the cinema premises during all opening hours. However, films which are aimed at children and young children will typically be screened during the daytime and early evening.

In respect of the restaurant area children and young persons will be allowed entry into this area until 2200.

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

Subject to the controls mentioned in the statement at 6(b) and the operation of restrictions in relation to the age classification of film, children and young persons will be allowed entry onto all parts of the premises.

CAPACITY OF PREMISES

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

Screen 1 – 188
Screen 2 – 202
Screen 3 – 229
Screen 4 – 254
Screen 5 - 387
Screen 6 – 383
Screen 7 – 254
Screen 8 – 230
Screen 9 – 202
Screen 10 - 202
(including accessible seating)

Screen Total – 2531

Restaurant Total - 64

Question 8

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

Personal details

8(a) *Name*

Premises Manager details to follow

8(b) *Date of birth*

Premises Manager details to follow

8(c) *Contact address*

Premises Manager details to follow

8(d) *Email address*

Premises Manager details to follow

8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
Premises Manager details to follow		

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  * (see note below)

Date 13 September 2021.....

Capacity Solicitor for the applicant . ~~APPLICANT~~/AGENT (delete as appropriate).

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.

Contact Us:

West Dunbartonshire Licensing Board
Council Offices
16 Church Street
Dumbarton
G82 1QL

Phone: 01389 738741
Email: licensing@west-dunbarton.gov.uk

THE LICENSING (SCOTLAND) ACT 2005

Application for Occasional Licence

Ref:	OL32421
Name and Address of Premises:	Mangiano, 53 Sylvania Way South, Clyde Shopping Centre, Seaforth Road, Clydebank G81 1EA
Applicant/Licence Holder:	Hill Brown Licensing, The Forsyth Building, 5 Renfield Street, Glasgow G2 5EZ
Type of Premises:	On and Off Sales.
Proposed Application:	Dine in restaurant serving breakfast, coffee, lunch, dinner, kids meals and drinks (alcoholic and non-alcoholic) Takeaway service provided for food and drinks.
Police Authority Comments:	No Police Objection.
Licensing Standards Comments:	No adverse comment for these applications. In addition, it is noted that applicant is well advanced in the process of applying for a premises licence.
Fire Authority Comments:	N/A
Regulatory Services Comments:	Environment comment stated, 'The applicant must ensure that the business has appropriate waste removal provisions in place for the unit opening.'
Community Council Comments:	N/A
Health Board Comments:	N/A
Access Panel:	N/A
Additional Comments:	Planning have no comment to make to the issuing of this licence as the use has not changed since previous occupier.
Section 50 Certificates:	N/A
Decision:	

WEST DUNBARTONSHIRE LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

APPLICATION FOR OCCASIONAL LICENCE

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets, if necessary.

You may wish to keep a copy of the completed form for your records.

1. LICENCE DETAILS (see note 1)	
Premises licence number (if applicable)	
Personal licence number GC09920	
Name of voluntary organisation (if applicable)	

2. PERSONAL DETAILS			
TITLE Mr			
Surname	<input type="text"/>		
Forenames	<input type="text"/>		
DATE OF BIRTH	Day	Month	Year
	<input type="text"/>		
ADDRESS WHERE ORDINARILY RESIDENT TO BE USED FOR CORRESPONDENCE PURPOSES			
<input type="text"/>			
Post town	<input type="text"/>		Post code <input type="text"/>
TELEPHONE NUMBERS			
Daytime	<input type="text"/>		
Evening			
Mobile			
FAX NUMBER			
E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)			
<input type="text"/>			
3. THE PREMISES			
Description of premises			

Italian Restaurant – dine in/takeaway

Description of activities to be carried on in the premises

Dine In restaurant serving breakfast, coffee, lunch, dinner, kids meals and drinks (alcoholic & non alcoholic)

Takeaway service provided for food and drinks

Full postal address of premises which this application refers to

Mangiano

53 Sylvania Way, South

Clyde Shopping Centre

Seaforth Road Clydebank

G81 1EA

4. DURATION OF LICENCE

From: 29.11.21

To: 12.12.21

5. Is alcohol to be sold on & off the premises YES/NO* - Provide relevant details as to hours requested when alcohol will be sold on/off the premises-* delete as appropriate

Times for sale of alcohol for consumption on premises

11:00-00:00

Times for sale of alcohol for consumption off premises

11:00-22:00

Statement of the times at which any activities other than the sale of alcohol will be carried on in the premises

08:00-00:00

6. CHILDREN (see note 2)

This section must be completed where alcohol is for sale for consumption on the premises

Are children or young persons permitted entry? YES (if answered yes the remainder of this section must be completed)

Ages of children or young persons permitted entry 0-17

Times at which children or young persons permitted entry

11:00-22:00

Parts of premises to which children or young persons permitted entry Restaurant dining area	

7. CHECKLIST	
I have Please tick yes	
<ul style="list-style-type: none"> Made or enclosed payment of the fee for the application 	Yes

8. Signature and declaration by applicant (see note 3)	
DECLARATION	
The contents of this Application are true to the best of my knowledge and belief.	
SIGNATURE Danielle Walsh	DATE 24.09.21

WEST DUNBARTONSHIRE LICENSING BOARD

Report by the Depute Clerk to the Licensing Board

8 December 2021

Subject: The Gambling Act 2005: Review of Licensing Board's Statement of Principles

1. Purpose

- 1.1** To advise the Board on the consultation responses received in relation to the Licensing Board's review of the Statement of Principles under the Gambling Act 2005, and to seek the Board's approval of the draft final version of the Statement of Principles.

2. Recommendations

- 2.1** It is recommended that the Board agrees:-

- (a) to note that there have been no consultation responses received; and
- (b) to approve the Board's three year Statement of Principles contained at Appendix 1.

3. Background

- 3.1** Board members will recall that on 14 August 2021 a report was submitted to the Licensing Board advising of the requirement to publish a three-year Statement of Principles (hereinafter referred to as "Statement), in terms of section 349 of the Gambling Act 2005.

- 3.2** The Board agreed:-

- (a) to approve the terms of the draft Statement of Principles for consultation;
- (b) to authorise the Clerk to the Board to consult with bodies and persons listed in Appendix 1 of the draft Statement of Principles on the terms of the draft in accordance with the statutory guidance from the Gambling Commission; and
- (c) thereafter, to submit a further report to the Board with a final version of the Statement of Principles for consideration and approval.

4. Main Issues

- 4.1** The revised Statement of Principles was prepared and issued on 22 October 2021 to a wide range of consultees. It was also made available on the Council's website from that date.
- 4.2** No consultation responses were received in respect of the Board's draft Statement of Principles. However, information was obtained from HSCP to inform the Board's local area profile within the Statement of Principles.

5. People Implications

- 5.1** There are no personnel issues.

6. Financial & Procurement Implications

- 6.1** There are no financial or procurement implications.

7. Risk Analysis

- 7.1** The revised Statement of Principles is required to be approved by 31 January 2022. Otherwise the Board will have no policy framework in place to deal with gambling applications.

8. Equalities Impact Assessment (EIA)

- 8.1** There are no proposed changes to the Board's existing policy other than technical legal and guidance changes and accordingly, no Equality Impact screening is required in this instance.

9. Consultation

- 9.1** The required consultation has been undertaken in terms of the Guidance to Local Authorities. Once the revised Statement is approved then the Board requires to publish the Statement of Principles on the authority's website and make the Statement available to members of the public for at least four weeks prior to the date when the Statement will come into effect.

10. Strategic Assessment

- 10.1** The Statement of Principles is a requirement of the Gambling Act 2005. It is a three year Statement.

Raymond Lynch
Depute Clerk to the Licensing Board
23 November 2021

Person to Contact: Raymond Lynch, Depute Clerk to the Licensing Board,
16 Church Street, Dumbarton G82 1QL.
Telephone: 01389 737818
Email: raymond.lynch@west-dunbarton.gov.uk

Appendices: Appendix 1 - West Dunbartonshire Licensing Board's
Statement of Principles - Gambling

Background Papers: None

Wards Affected: All

**WEST DUNBARTONSHIRE
LICENSING BOARD**

**STATEMENT OF PRINCIPLES
GAMBLING ACT 2005
SECTION 349**

31/01/2022

FOREWORD

The Statement of Principles is the sixth statement of principles published by West Dunbartonshire Licensing Board as required in terms of the Gambling Act 2005. Further detail is contained at page 5, paragraph 1.1. herein.

All references in the Statement of Principles refer to the Gambling Commission's Guidance for Local Authorities revised published 1st April 2021 and last updated on 13th May 2021.

Consultation on the draft Statement of Principles took place during the period from 22 October 2021 to 19 November 2021.

A report providing details of comments received from consultees and consideration given to those comments was considered at the meeting of West Dunbartonshire Licensing Board which was held on *(DATE TO BE CONFIRMED) A copy of the report can be made available on request to the Licensing Section, West Dunbartonshire Council, Council Offices, Municipal Buildings, Dumbarton G82 1NR telephone 01389 738741 or e-mail licensing@west-dunbarton.gov.uk.

This final version of the Statement of Principles incorporates amendments which were approved by the Licensing Board on (DATE TBC).

The Statement of Principles will be in force for a period of three years. It will be kept under review and revised if appropriate during the three year period.

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PART A

INTRODUCTION

Legal Background

The Gambling Act 2005 (“the Act”), which came into full force and effect on 1 September, 2007, created a new system of licensing and regulation for all Commercial gambling in Great Britain, other than the National Lottery and spread betting. Section 349 of the Act required all licensing authorities to publish a Statement of Principles to be applied in exercising their functions under the Act.

The Act provided that a Statement of Principles shall apply for a period of three years and may be reviewed and revised during that period if appropriate.

As required in terms of Section 349 of the Act, the Board have reviewed and revised its fourth Statement of Principles. The following is the Board’s sixth Statement of Principles (approved on) which, it proposes to apply in exercising its functions under the Act during the three year period beginning on 31 January, 2022. This Statement of Principles will be kept under review and revised, if appropriate, during the three year period.

The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:-

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

Ensuring that gambling is conducted in a fair and open way.

Protecting children and other vulnerable persons from being harmed or exploited by gambling.

It should be noted that the Gambling Commission has stated “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

This licensing authority is aware that, in terms of Section 153, in making decisions about premises licenses and temporary use notices (TENs) it should aim to permit the use of premises for gambling in so far as it thinks it is:-

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with this Statement of Principles.

West Dunbartonshire Licensing Board

West Dunbartonshire Licensing Board, referred to in this Statement of Principles as “the Licensing Authority”, is the Licensing Authority for the West Dunbartonshire Council area for the purpose of the Gambling Act 2005 and any subsequent regulations and guidance. Located in the west of Scotland and stretching from the outskirts of Glasgow to the banks of Loch Lomond, West Dunbartonshire is the fourth smallest Scottish local authority in terms of land coverage (159 square kilometres). It has a population of just over 89,930 concentrated in the three main settlements of Clydebank, Dumbarton and Alexandria. A map of the Council area is provided in Appendix 1 to this Statement of Principles.

Information related to the location of schools in West Dunbartonshire is provided at Appendix 2. This link details the number and location of educational establishments in West Dunbartonshire. Also in Appendix 2 is a link that details the location of addiction services within West Dunbartonshire and regulated premises where children and young persons may frequent. There are also details of the locations of Doctor Surgeries, Community Centres and Colleges. This information is provided to give further information as to the local area profile of West Dunbartonshire in terms of addiction services, places where vulnerable persons may frequent, educational establishments and regulated premises that children and young persons frequent.

Requirement to Publish Statement of Principles

Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” with further consultation taking place on proposed amendments. The statement must be then re-published.

Nothing in the Statement will override the right of any person to make an application under the Act, or to have the application considered on its individual merits, or undermine the right of any person to make representations on an application, or to seek a review of a license where there is a legal power to do so.

In making decisions under the Act, the Board will have regard to this Statement of Principles but every application will be considered on its own merits. This statement is intended to be a general Statement of Principles and is not to be regarded as a comprehensive guide to the application of the Act by the Board. Applicants and others should always have regard not only to this Statement of Principles but also to the Act, any regulations made under the Act and any Guidance or Codes of Practice issued by the Gambling Commission. Guidance and Codes of Practice issued by the Gambling Commission may be accessed on the Commission's web site (www.gamblingcommission.gov.uk).

Consultation on the Statement of Principles

The Licensing Authority requires consulting widely upon this statement before it is finalized and published.

The Gambling Act requires that the following parties are consulted by Licensing Authorities:-

The Chief Officer of Police;

One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;

One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

Information with regard to reported crime and disorder incidents within gambling premises has been sought from Police Scotland. There were no reported incidents.

The consultation took place between 22 October and 19 November 2021.

There are also changes of a technical nature. References to the Gambling Commission Guidance have been revised to have regard to the Commission's Revised Guidance. This can be found at:

[Gambling Commission - Guidance to Licensing Authorities updated April 2021](https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities)

(<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>)

This Statement of Principles was approved at a meeting of West Dunbartonshire Licensing Board on (TBC) and was published on the Council's website on (TBC). Copies will be placed in the public libraries for the area as well as being available at the principal offices of West Dunbartonshire Council at Licensing, Municipal Buildings, and College Street, Dumbarton G82 1NR.

Should you have any comments as **Page 78** this policy statement please send them

via email or letter to the following contact:

Name: Raymond Lynch, Depute Clerk to the Licensing Board, West Dunbartonshire Licensing Board, Council Offices, Municipal Buildings, Station Road, Dumbarton G82 1NR Email: raymond.lynch@west-dunbarton.gov.uk

It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

Declaration

In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005 as set out at 3.1 above, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement.

Responsible Authorities

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this licensing authority designates the West Dunbartonshire Child Protection Committee (West Dunbartonshire Community Planning Partnership) for this purpose.

The responsible authorities under the Gambling Act 2005 are:-

- The Council (West Dunbartonshire Licensing Board).
- The Gambling Commission
- The Chief Constable, Police Scotland.
- The Chief Fire Officer, Scottish Fire and Rescue Service.
- West Dunbartonshire Council, Regulatory Services: Environmental Health Service.
- West Dunbartonshire Council, Regulatory Services: Planning & Building Services Section.
- West Dunbartonshire Community Planning Partnership.HM Revenues and Customs.
- Any other person prescribed in regulations by the Secretary of State or Scottish Ministers.

The contact addresses for these authorities are provided in Appendix 5.

Interested Parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

“For the purposes of this Part a person is an interested party in relation to an application for, or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence, or to which the application is made, the person:-

- lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- has business interests that might be affected by the authorised activities; or
- represents persons who satisfy paragraph (a) or (b)”.

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:-

This authority will decide each case on its merits and will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission’s Guidance for local authorities.

In determining whether a person is a “person living close to the premises”, the Board may take into account the following factors; size of premises, the nature of the premises, the distance of the premises from the location of the party making the representation, the topography and routes likely to be taken; the potential impact of the premises; and the circumstances of the person.

The Board will also consider the Gambling Commission's Guidance (at point 8.14 and 8.15) that in respect of whether the person "has business interests" should be satisfied that the relevant business is likely to be affected. In determining whether, a party is a person with business interests that could be affected, factors that may be taken into account include:

The size of the premises;

The catchment area of the premises, that is, how far people travel to visit the premises; and

Whether the person making the representations has business interests in that catchment area that might be affected.

The Gambling Commission has recommended that the Board states that interested parties include people representing those interested parties including trade associations and trade unions, and residents’ and tenants’ associations (Gambling Commission Guidance for licensing authorities paragraph 8.16 and 8.17). This Board will not however generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005, i.e. lives sufficiently close to the premises to be likely to

be affected by the activities being applied for.

Interested parties can be persons who are democratically elected such as Councilors, MPs and MSPs. No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP/MSP represents the ward/constituency likely to be affected. Likewise, Community Councils likely to be affected will be considered to be interested parties. In addition a community group might represent vulnerable people living near to the proposed premises.

Other than these however, this Board will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach Councilors to ask them to represent their views then care should be taken that the Councilors are not part of the Licensing Board dealing with the licence application. If there are any doubts then please contact the Licensing Section (West Dunbartonshire Licensing Board, Council Offices, Municipal Buildings, Station Road, Dumbarton, G82 1NR, telephone: 01389 738741; e-mail: licensing@west-dunbarton.gov.uk).

Exchange of Information

Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under Section 350 of the Act with respect to the exchange of information between it and the other persons listed in the Act. The terms of Part 13 of the guidance outline the underlying principles and information exchange between the Commission and licensing authorities.

The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information, which includes the provision that the Data Protection Act 2018 and the data protection legislation referred to therein will not be contravened. The Board will also act in accordance with the terms of the Freedom of Information Act. The licensing authority will also have regard to any Guidance issued by the Gambling Commission to licensing authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State or Scottish Ministers under the powers provided in the Gambling Act 2005.

Should any protocols be established as regards information exchange with other bodies then they will be made available.

Compliance and Enforcement

In exercising its functions under Part 15 of the Act with respect to the inspection of premises this authority will be guided by the Gambling Commission's Guidance and will endeavor to be in terms of the Principles of good regulation in the Legislative and Regulatory Reform Act 2006:

Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;

Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;

Consistent: rules and standards must be joined up and implemented fairly and equally to all parties;

Transparent: regulators should be open, and keep regulations simple and user friendly; and

Targeted: regulation should be focused on the problem, and minimise side effects.

In terms of the Gambling Commission's Guidance for local authorities, this licensing authority will seek to avoid duplication with other regulatory regimes so far as possible.

This licensing authority will also, as recommended by the Gambling Commission's Guidance for licensing authorities, adopt a risk-based inspection programme when assessing risk, consideration will be given to:-

- the nature of the gambling activities carried out on the premises;
- the location of the premises in relation to schools; and
- the procedures put in place by the management of individual premises to meet the licensing objectives.

The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it has authorised. The Gambling Commission will be the enforcement body for the operating and personal licences. The Board, to monitor compliance with its functions under the Act, will work actively with the Gambling Commission's Compliance Officer and other partner agencies to enforce the licensing legislation. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission.

Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements will be available upon request to the Licensing Section, West Dunbartonshire Council Offices, Council Offices, Municipal Buildings, Dumbarton G82 1NR:- e-mail licensing@west-dunbarton.gov.uk. Our risk methodology will also be available upon request.

The authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to provide the authority with the contact details for a senior individual within the organisation, whom the authority will contact first should any compliance queries or issues arise.

The Gambling Commission Licence Conditions and Codes of Practice formalise the need for operators to consider local risks. Local risk assessments apply to all non-remote casinos, adult gaming centres, bingo, family entertainment centre, betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences. The Guidance at parts 6.41 to 6.46 further details the requirements.

Licensees are required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies and procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this statement of principles. West Dunbartonshire Officers may request a copy of this at any time. It is expected that Premises Managers will be conversant in their individual risk assessment. The effectiveness of the policy should also be reviewed and monitored.

Licensees are required to undertake a local risk assessment when applying for a new premises licence. Their local risk assessment must also be updated and reviewed:

When applying for a variation of a premises licence;
To take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
When there are significant changes at a licensee's premises that may affect their mitigation of local risks.

The Social Responsibility Provision is supplemented by an Ordinary Code provision that requires licensees to share their risk assessment with licensing authorities. Ordinary Codes are not a mandatory requirement but are expected to be followed unless alternative arrangements that can be put in place that are equally effective.

West Dunbartonshire Licensing authority expect that all local risk assessments will take into account the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. Where appropriate the Board would expect that local risk assessments take into account the vicinity of licensed premises where children or vulnerable groups may be present such as schools, colleges, gambling or addiction support, treatment Centres, Doctor Surgeries or Community Centres. Links listed at appendix 2 are provided to assist licence holders and applicants and those seeking to make representations to the Licensing Board. These assist in giving the location of such places. It is expected that operators take close cognisance of where prospective premises may be situated in the vicinity and at times where such persons may be there and take appropriate steps to mitigate risks in such areas in terms of the licensing objectives. This would in particular but not exhaustively, include steps such as ensuring that advertising is appropriately monitored. It is expected that local risk assessments should show information held by the licensee regarding self-exclusions from premises, and how persons with gambling dependencies are protected within premises.

It is the case however, that the Board will consider all representations to it in terms of the Guidance and whether the locations of such premises are higher risk and whether additional controls are required. Applicants should be prepared to demonstrate to the Board how they will address any properly identified concerns or

mitigate the risks.

Self-Exclusion Schemes – The Licensing Board welcomes the new requirement for all non-remote casino, bingo and betting licences (except in respect of the provision of facilities for betting in reliance on a track premises licence) and holders of gaming machine general operating licences for adult gaming centres.

At Appendix 3 there is a map of Scottish Index of Multiple Deprivation for West Dunbartonshire. These may be factors that operators consider with regard to the Licensing Objectives, problem gamblers, vulnerable adults and the links in studies identified. In addition, there is a link below to the full list of current Gambling Premises so, that operators can assess the range of gambling facilities in proximity to the Licensed Premises in terms of any risk assessment:

[Gambling Licences](https://www.west-dunbarton.gov.uk/business/licences-permits-and-permissions/gambling-licences/)

(<https://www.west-dunbarton.gov.uk/business/licences-permits-and-permissions/gambling-licences/>)

Licensing Authority Functions

Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences.
- Issue Provisional Statements.
- Receive occasional use notices
- Issue permits as required by the Act; and
- Registrations as required by the Act
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'Exchange of Information').
- Maintain registers of the permits and licences that are issued under these functions.

This Statement of Principles relates to all those licensable premises, notices, permits and registrations identified as falling within the provisions of the Act, namely:

- Casinos
- bingo premises
- betting premises
- tracks
- adult gaming centres
- licensed family entertainment centres
- unlicensed family entertainment centres
- club gaming permits; prize gaming and prize gaming permits;
- occasional use notices;
- temporary use notices; and
- registration of small society lotteries (below prescribed thresholds).

It should be noted that local licensing authorities will not be involved in licensing remote gambling. This will be regulated by the Gambling Commission via operating licences.

PART B

PREMISES LICENCES

General Principles

Premises licences will be subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate. Additional conditions will only be imposed where there is evidence of a risk to the Licensing Objectives that requires that the mandatory and default conditions be supplemented.

This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:-

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing principles.

It is appreciated that in terms of the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below at 4.1).

In considering an application for a premises licence no regard will be had to the expected demand for the facilities proposed to be provided in the premises for which a premises licence is sought.

Definition of "premises" - Premises is defined in the Act as including "any place". Section 152 of the Act prevents more than one premises licence applying to any place. Different premises licences cannot apply in respect of a single premise at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be genuinely regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, tracking or shopping mall to obtain discrete premises licences, where appropriate safe guards are in place. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances.

It is highlighted to Board's that they should pay particular attention if there are any issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between the premises are observed. Factors which will assist the licensing authority in making their decision may include:-

- is a separate registration for business rates in place for the premises?
- is the premises' neighbouring premises owned by the same person or someone else?
- can each of the premises be accessed from the street or a public passageway?
- can the premises only be accessed from another gambling premise?

The Gambling Commission states in its Guidance to Licensing Authorities that: *"In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."*

This licensing authority takes particular note of the Gambling Commission's Guidance for licensing authorities which states that:-

Licensing authorities should take particular care in considering applications for multiple premises licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular, they should be aware of the following:-

The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.

Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.

Customers should be able to participate in the activity named on the premises licence.

In respect of whether Premises are “ready for gambling” - The Guidance states (in particular at parts 7.58 to 7.65) that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alteration required before the premises are brought into use. If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead. In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

First, whether the premises ought to be permitted to be used for gambling.

Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place. Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

Further detail can be found in Chapter 7 of the Gambling Commission’s Guidance.

Location - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. In accordance with the Gambling Commission’s Guidance for licensing authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. In this regard, it may well be the case that the Licensing Board would take the view that it would be undesirable to allow Adult Gaming Centres or Family Entertainment Centres to be located in close proximity to schools. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

Duplication with other regulatory regimes - This licensing authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. When considering a licence application, this authority will not consider whether the premises are likely to be awarded planning permission or building regulations approval. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

Licensing objectives - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to licensing authorities and some comments are made below.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors - see below at 1.12. The Board will, in relation to this Licensing Objective give due weight and consideration to any application from Police Scotland (or any other relevant authorities) when making a decision in this regard.

This licensing authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behavior was to those who could see it, so as to make that distinction.

The Board will consider measures in place by the operator such as CCTV, age verification checks and standard of staff training, Issues of nuisance generally cannot be addressed via the Gambling Act provision and it is noted that to date there are very few reported matters from Police Scotland of crime, nuisance and disorder within West Dunbartonshire's Licensed premises (TBC).

In accordance with the Gambling Act 2005, In making decisions about premises licences, the Board will aim to permit the use of premises for gambling insofar as it is:-

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with this Statement of Licensing Principles.

Ensuring that gambling is conducted in a fair and open way - This licensing authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is, however, more of a role with regard to tracks which is explained in more detail in the 'Tracks' section (below - part 7).

Protecting children and other vulnerable persons from being harmed or exploited by gambling - This licensing authority has noted the Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas, etc.

This licensing authority will also make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.

As regards the term “vulnerable persons” it is noted that the Gambling Commission is not seeking to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who are gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This licensing authority will consider this licensing objective on a case by case basis.

Conditions - Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters will be in accordance with the Gambling Commission's Guidance.

This authority will also ensure that where category C or above machines (which may only be used by persons over the age of 18) are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casinos and bingo clubs and this provision prevents it being re-instated); and
- conditions in relation to stakes, fees, winning or prizes.

Door Supervisors - The Board whilst not specifying the need for door supervisors would encourage operators to risk assess whether or not they may require this to uphold the licensing objectives.

Adult Gaming Centres

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

the licensing objectives, however, appropriate measures/licence conditions may cover issues such as:

- Proof of age schemes.
- CCTV.
- Supervision of entrances/machine areas.
- Physical separation of areas.
- Location of entry.
- Notices/signage.
- Specific opening hours.
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures. Operators are encouraged to fully consider this licensing objective closely.

(Licensed) Family Entertainment Centres:

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives, however, appropriate measures/licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Provision of information leaflets/helpline numbers for organisations such as GamCare; and

- Measures/training for staff on how to deal with suspected truant school children on the premises.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

This licensing authority will, in terms of the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

Casinos

No Casinos resolution - This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so.

Bingo premises

This licensing authority notes that the Gambling Commission's Guidance at Part 18 with regard to "Bingo" in particular states:-

Under the Act, children and young persons (anyone up to the age of 18) cannot be employed in providing any facilities for gambling on bingo premises, and children (under 16) cannot be employed, in any capacity, at a time when facilities for playing bingo are being offered. However, young persons, aged 16 and 17, may be employed in bingo premises (while bingo is being played), provided the activities on which they are employed are not connected with the gaming or gaming machines. Licensing authorities are able to find information about the restrictions that apply in Licence conditions and codes of practice (LCCP).

Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed. Social Responsibility (SR) code 3.2.5(3) states that 'licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises' in order to prevent underage gambling

Part 18.18 to 18.22 of the Gambling Commission's Guidance to Licensing Authorities 5th Edition sets out the mandatory conditions attached to different types of bingo premises, and regard will be given any further guidance from the Gambling Commission and the LCCP sets out in full the requirements on operators.

Betting premises

Betting machines - This licensing authority will, in terms of the Gambling Commission's Guidance at Part 19, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting (see 7.4 below for gaming machines)

machines an operator wants to offer.

Section 181 of the Act contains an express power for licensing authorities to restrict the number of self-serving betting machines (SSBT's), their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence (or to a casino betting licence where betting is permitted in the casino).

Section 235(2) (c) provides that a machine is not a gaming machine if it is designed or adapted for use to bet on future real events. Some betting premises may make available machines that accept bets on live events, such as horse racing, as a substitute for placing a bet over the counter. These SSBTs are not gaming machines and therefore neither count towards the maximum permitted number of gaming machines, nor have to comply with any stake or prize limits. SSBTs merely automate the process that can be conducted in person and the Act exempts them from regulation as a gaming machine.

However, where a machine is made available to take bets on virtual races (that is, results and/or images generated by computer to resemble races or other events) that machine is a gaming machine and counts towards the maximum permitted number of gaming machines, and must meet the relevant category limitations for the premises.

Guidance for licence holders on this matter can be found here [Gambling Commission Guidance on Section 235](#).

Tracks

This licensing authority is aware that tracks (Part 20 of the Guidance) may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. In terms of the Gambling Commission's Guidance, this licensing authority will give special consideration to the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas

- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-baring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Gaming machines - The Gambling Commission guidance with regard to Gaming Machine Permits is to be found at 20.33 to 20.38. There is distinction between betting (as above at 6.1 and 6.2) and gaming machines. The holder of a betting premises licence may make up to 4 gaming machines of categories B, C or D available for use.

Self Service Betting machines - This licensing authority will, consider the terms of Gambling Commission's Guidance at 20.39 to 20.42. In particular at point 20.40 the supervision of such terminals to prevent them being used by those under 18 years of age.

Condition on rules being displayed - The Gambling Commission has advised in its Guidance for licensing authorities that "...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office."

Travelling Fairs

Where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, it will be a matter for this licensing authority to decide whether the statutory requirement, that the facilities for gambling amount to no more than an ancillary amusement at the fair, is met. Category D machines stake values are as per Appendix 3.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

Provisional Statements

Section 204 of the Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:-

- expects to be constructed;
- expects to be altered;
- expects to acquire a right to occupy.

In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances.

The Board may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:-

- which could not have been raised by objectors at the provisional licence stage; or
- which in the authority's opinion reflect a change in the operator's circumstances.

This authority has noted the Gambling Commission's Guidance that licensing authorities should not take into account irrelevant matters such as the likelihood of the applicant obtaining planning permission or building standards approval for the proposal.

Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities. It is for the Board to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, will certainly not cause the authority to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations relating to the same premises or requests for review.

Requests for reviews should be:-

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of principles.

The Board can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

PART C

PERMITS/TEMPORARY & OCCASIONAL USE NOTICE

Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

Unlicensed FECs will be able to offer only category D machines in reliance on a gaming machine permit. Any number of category D machines can be made available with such a permit.

The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 24. The Gambling Commission's Guidance for local authorities also states: "In their licensing policy statement, a licensing authority may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits. Given that the premises will particularly appeal to children and young persons, licensing authorities may want to give weight to matters relating to the protection of children from being harmed or exploited by gambling." (Paragraph 24.8)

Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application..." Licensing authorities might wish to consider asking applicants to demonstrate:-

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that staff are trained to have a full understanding of the maximum stakes and prizes (Paragraph 24.9).

It should be noted that a licensing authority cannot attach conditions to this type of permit.

Statement of Principles - This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate

Measures / training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises. This licensing authority will also expect, in terms of the Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

Alcohol Licensed Premises Gaming Machine Permits

There is provision in the Act (Part 26 of the Guidance) for premises licensed to sell alcohol for consumption on the premises, automatically to have 2 gaming machines, of categories C and/or D. To take advantage of this entitlement, the licence holder must give notice to the licensing authority of their intention to make gaming machines available for use, and must pay the prescribed fee. The automatic entitlements to have 2 gaming machines relate to premises as a whole and not to each individual bar or lounge area within premises. The licensing authority can remove the automatic authorisation in respect of any particular premises if:-

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*” This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines (category C machines). Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful. The licensing authority will impose the conditions and support best practice as per the Gambling Commission Guidance. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare. Under 18 year olds may play category D machines.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

Prize Gaming Permits - (Statement of Principles on Permits - Schedule 14 paragraph 8 (3))

A prize gaming permit is a permit issued by a licensing authority to authorise the provision of facilities for gaming with prizes on specified premises.

The Gambling Act 2005 states at part 27.12 that a licensing authority may "prepare a statement of principles that they propose to apply in exercising their functions under this Schedule" which "may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit".

This licensing authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations; and
- that the gaming offered is within the law.

In making its decision on an application for this type of permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

It should be noted that there are conditions in the Gambling Act 2005 with which the permit holder must comply, but that the licensing authority cannot attach conditions.

Temporary Use Notices

Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. They may only be granted where a relevant operating licence has been granted.

There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted that "The meaning of "premises" in part 8 of the Act is discussed in Part 7 of this guidance (4th Edition). As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within

the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises. This is a new permission and licensing authorities should be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises."

Occasional Use Notices

Where there is betting on a track on 8 days or less in a calendar year, betting may be permitted by an occasional use notice, without the need for a full premises licence.

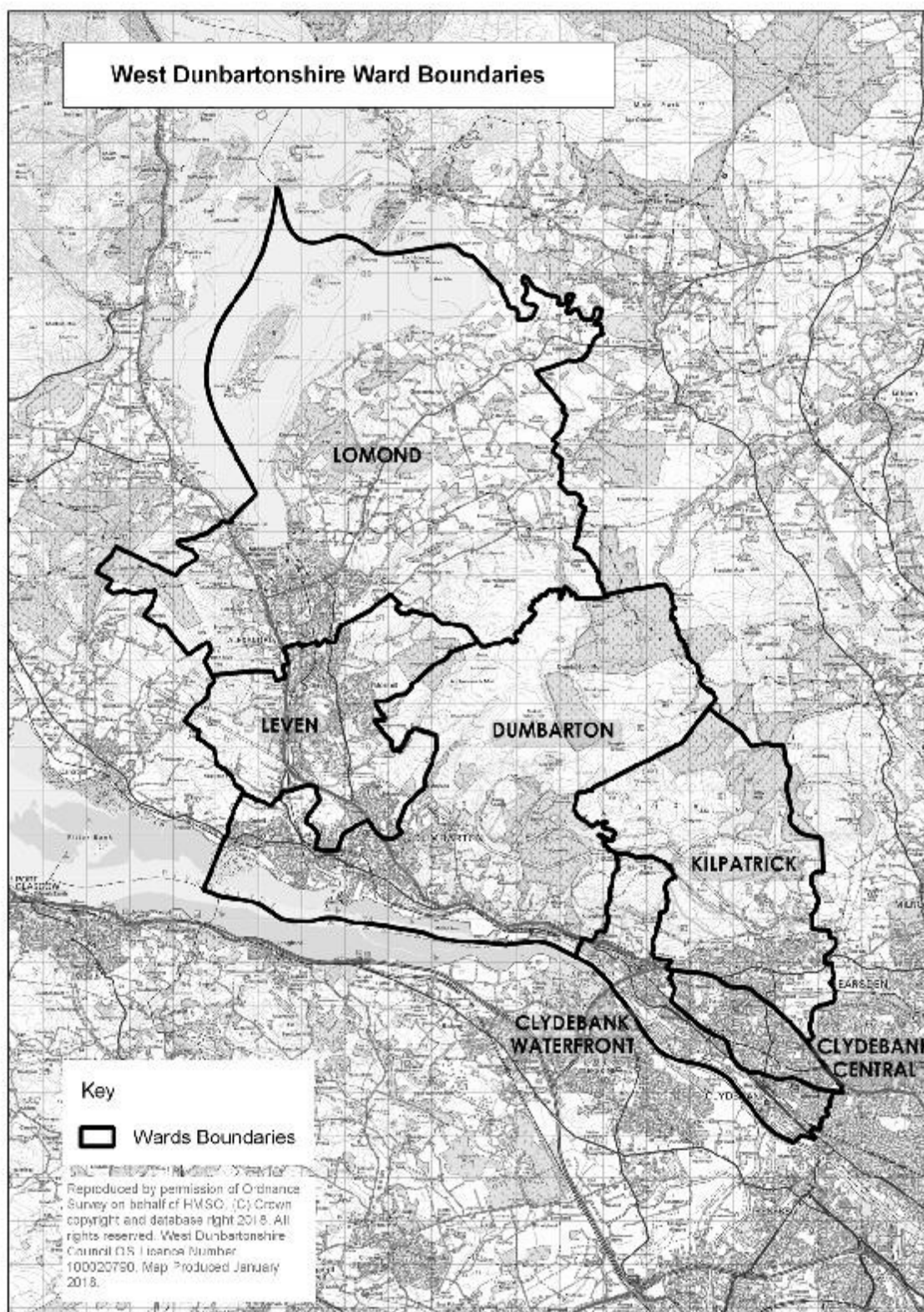
The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

Small Society Lotteries

A non-commercial society that runs a lottery where the income is below a certain specified thresholds can register with the Board. The Board may issue guidance in terms of the Commission Guidance. In the first instance parties seeking information on the registration procedure should contact a West Dunbartonshire Council Licensing Standard Officer.

Map of West Dunbartonshire Council Area

Appendix 1

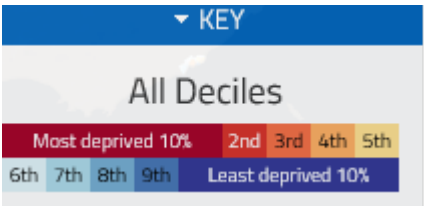
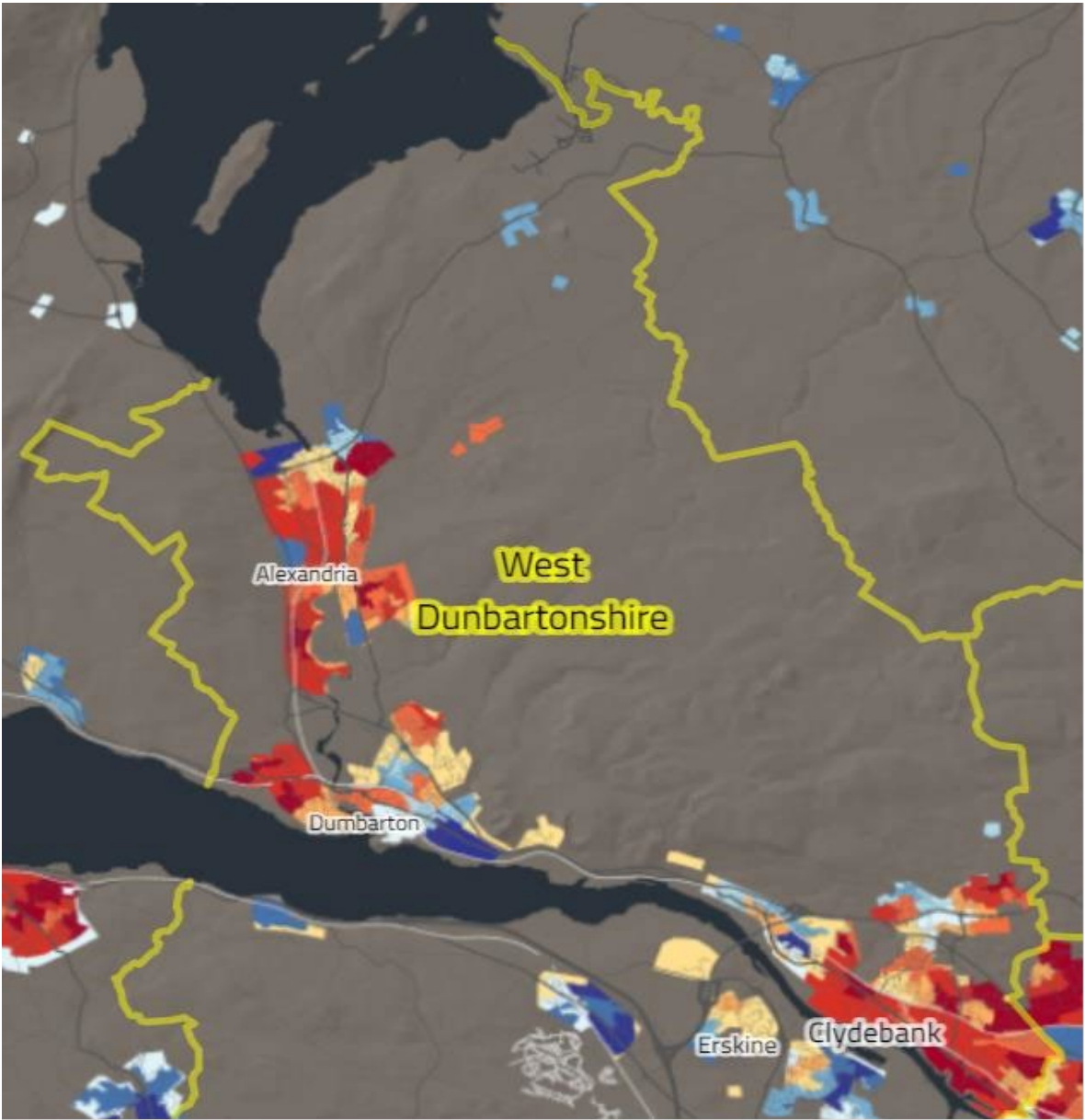


Appendix 2

Information relevant to local area profile, including Doctor Surgeries, Schools, and play parks and other amenities can be found at the following links (links to be added).

Appendix 3

Demographic Profile of West Dunbartonshire - Scottish Index of Multiple Deprivation



Appendix 4

Gaming Machine Categories and Entitlements

Please refer to the Gambling Commission's website at
www.gamblingcommission.gov.uk

Appendix 5

Schedule of Responsible Authorities

West Dunbartonshire Licensing Board, Council Offices, Municipal Buildings, Station Road, Dumbarton G821NR

The Gambling Commission, Victoria Square House, Victoria Square, Birmingham B2 4BP

The Chief Constable, Police Scotland

The Chief Fire Officer, Strathclyde Fire & Rescue, Headquarters, Bothwell Road, Hamilton ML3 0EA

West Dunbartonshire Council, Regulatory: Environmental Health Service, Council Offices, Church Street, Dumbarton, G82 1QL

West Dunbartonshire Council, Regulatory: Planning and Building Standards Service, Council Offices, Church Street, Dumbarton, G82 1QL

Loch Lomond & the Trossachs National Park Authority: Director of Planning, National Park Headquarters, The Old Station, Balloch Road, Balloch, G83 8BF

West Dunbartonshire Community Planning Partnership (West Dunbartonshire Child Protection Committee), Council Offices, Church Street, Dumbarton, G82 1QL

HM Revenue and Customs, National Registration Unit, Portcullis House, 21 India Street, Glasgow G2 4PZ

Any other person prescribed in regulations by the Secretary of State or Scottish Ministers.

Appendix 6

Schedule of Consultees

The draft Statement of Principles was made available on the website of West Dunbartonshire Licensing Board - www.west-dunbarton.gov.uk - during the weeks consultation period from 22nd October 2021 to 19th November 2021.

It will be sent to the consultees listed below:-

All Members of West Dunbartonshire Licensing Board

All Members of West Dunbartonshire Council

All West Dunbartonshire Council Chief Officers All Tenants Associations

All Community Councils within West Dunbartonshire

General Secretary of Scottish Trade Unions Congress

The Gambling Commission

Scottish Parliament Members of Youth Parliament

Gamcare

Gamblers Anonymous Scotland

The Chief Constable, Police Scotland

Advice agencies-West Dunbartonshire- Working4U

Chief Social Work Officer, West Dunbartonshire Council

Head of Mental health, Learning disabilities and Addictions

The Chief Fire Officer, Scottish Fire and Rescue Service

West Dunbartonshire Adult Support and Protection Committee

West Dunbartonshire Council, Regulatory Services: Environmental Health Service.

West Dunbartonshire Council, Regulatory: Planning & Building Standards Service.

Loch Lomond & the Trossachs National Park Authority

Y-Sort-it

Citizens Advice Direct

West Dunbartonshire Community Planning Partnership

Greater Glasgow and Clyde NHS Board

West of Scotland Race Equality Council

West Dunbartonshire Learning Disability Service

HM Revenue and Customs

The Church of Scotland

Roman Catholic Church

Methodist Church Scottish

Episcopal Church

United Free Church of Scotland United Reformed Church

The Salvation Army

British Casino Association

The National Casino Industry Forum

The Association of British Bookmakers Ltd.

Carlton Clubs plc.

MB Leisure

Gala Leisure

Clyde Leisure Limited

Jackpots Too

William Hill Ltd.

Ladbrokes Ltd.

Coral Racing Ltd

Done Brothers (Betfred)

SP Graham Ltd.

Talarius Ltd (Quicksilver)

Stewart 4 Ltd (Gold Gaming)

Power Leisure Bookmakers Ltd (Paddy Power)

Clyde Leisure Ltd.

County Amusements

Noel Bardon

Club 3000 Bingo