

## **WEST DUNBARTONSHIRE LICENSING BOARD**

At a Meeting of the West Dunbartonshire Licensing Board held in Committee Room 3, Council Offices, Garshake Road, Dumbarton on Tuesday, 12 December 2017 at 10.00 a.m.

**Present:** Councillors Jim Brown, Ian Dickson, Diane Docherty, Marie McNair, John Mooney and Brian Walker.

**Attending:** Peter Hessett, Clerk to the Licensing Board; Raymond Lynch, Depute Clerk to the Licensing Board; Peter Clyde and Lawrence Knighton, Licensing Standards Officers; Marie Grant, Licensing Assistant and Nuala Borthwick, Committee Officer.

**Also attending:** Inspector Graham McDiarmid and Sergeant Angela Walker, Police Scotland.

**Apologies:** Apologies for absence were intimated on behalf of Councillors Jonathan McColl and John Millar.

**Councillor Jim Brown in the Chair**

### **DECLARATIONS OF INTEREST**

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

### **LICENSING BOARD HEARING PROCEDURES**

- (a) The Licensing Board's Hearing Procedure for Review of a Premises/Personal Licence was submitted for information; and
- (b) The Licensing Board's Hearing Procedure for an Application with Objection(s) or Representation(s) was submitted for information.

### **MINUTES OF PREVIOUS MEETING**

The Minute of Meeting of Licensing Board held on 19 September 2017 was submitted and approved as a correct record.

## **APPLICATION FOR VARIATION OF PREMISES LICENCE IN TERMS OF THE LICENSING (SCOTLAND) ACT 2005**

An application for Variation of Premises Licence for Westhills Hotel, Hardgate House, 17 Glasgow Road, Clydebank G81 5PJ was submitted for consideration.

It was noted that the applicant, Cammy Inn Pubs Company Limited, was not represented at the meeting during consideration of the application.

It was noted that there were no objections to the application.

### **DECIDED:-**

The Board agreed that the application be granted.

## **REVIEW OF PREMISES LICENCE – HORSE AND BARGE**

In terms of Section 38(1) of the Licensing (Scotland) Act 2005, the Licensing Board considered an Application for Review of Premises Licence from the Chief Constable, Police Scotland in relation to Punch Partnership Limited, the licence holder of the Horse and Barge, 688 Dumbarton Road, Clydebank G81 4BB.

Inspector Graham McDiarmid and Sergeant Angela Walker, Police Scotland were in attendance and were heard in relation to the circumstances outlined in the Police letter which had been submitted to members in advance of the meeting.

Mr Niall Hassard, TLT Solicitors, and Mr Alasdair Lindsay, Development Manager, Punch Taverns, were in attendance on behalf of the licence holder, Punch Taverns, and Mr Hassard was given the opportunity to address the Board in relation to the circumstances detailed in the letter from Police Scotland. A folder containing extracts of the licence holder's due diligence procedures was distributed to Members of the Board. Thereafter, both he and Mr Lindsay answered questions from Members.

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

### **DECIDED:-**

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

- (1) to hold that the ground for review of Securing Public Safety, Protecting Children and Young Persons from Harm and Preventing Crime and Disorder had been established;
- (2) that a written warning letter, under Section 39(2)(a) of the Licensing (Scotland) Act 2005 in connection with failure to comply with the licensing objectives of Securing Public Safety, Protecting Children and Young Persons

from Harm and Preventing Crime and Disorder, be issued to the Premises Licence Holder;

- (3) that both the Licensing Standards Officer and the Licence Holder would monitor the premises on a regular basis in future to ensure the premises is compliant with licensing legislation; and
- (4) that the warning letter would be taken into consideration should there be any further breach of licensing law or licensing condition(s).

Note: Councillor McNair left the meeting at this point in the meeting.

### **REVIEW OF PERSONAL LICENCE – MR ROBERT TAIT**

In terms of Section 83(7) of the Licensing (Scotland) Act 2005, Members were requested to hold a Hearing to consider the Personal Licence held by Mr Robert Tait.

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

- (a) that a letter had been submitted by Police Scotland in terms of Section 84A(1) of the Licensing (Scotland) Act 2005 reporting that Mr Robert Tait had acted in a manner inconsistent with the licensing objectives of protecting children & young persons from harm, securing public safety and preventing crime and disorder;
- (b) that both the personal licence holder and a representative of Police Scotland had been invited to attend the meeting in order that a hearing could take place;
- (c) that Mr Tait was in attendance at the meeting and was represented by Mr Douglas Thomson, Solicitor Advocate, McArthur Stanton Solicitors; and
- (d) that a letter from McArthur Stanton Solicitors, making observations in relation to letters from Police Scotland, was distributed to Members of the Board at Mr Thomson's request.

Inspector Graham McDiarmid and Sergeant Angela Walker, Police Scotland were in attendance and Sergeant Walker was heard in relation to the circumstances outlined in the Police letters which had been submitted to members in advance of the meeting. Thereafter, Sergeant Walker was heard in answer to questions from both Mr Thomson and Members of the Board.

Mr Thomson was then given an opportunity to address the Board in support of Mr Tait and was heard in answer to questions from Members.

Mr Clyde, Licensing Standards Officer was heard in answer to questions from Members and from Mr Thomson.

## **ADJOURNMENT**

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

The Board reconvened at 1.24 p.m. with all members listed in the sederunt in attendance.

### **DECIDED:-**

Following consideration of all matters before the Board, it was agreed that the Personal Licence held by Mr Robert Tait be endorsed for a period of 5 years on the grounds that his conduct had been inconsistent with the licensing objectives of protecting children and young people from harm, securing public safety and preventing crime and disorder.

Note: Councillor Walker left the meeting at this point in the meeting.

### **APPLICATION FOR FESTIVE EXTENDED HOURS IN TERMS OF THE LICENSING (SCOTLAND) ACT 2005**

With reference to the Board's Policy on Extended Hours, an application was submitted for Festive Extended Hours received in respect of the Horse and Barge, 688 Dumbarton Road, Clydebank G81 4BB was submitted for consideration.

It was noted:-

- (a) that Mr Robert Tait, Designated Premises Manager, was in attendance on behalf of the licence holder, Punch Partnership Limited, and was represented by Mr Douglas Thomson, Solicitor Advocate, McArthur Stanton Solicitors; and
- (b) that Police Scotland had submitted an objection in relation to the application and Sergeant Walker was in attendance on behalf of Police Scotland.

The Board then heard from Sergeant Walker in relation to the objection letter submitted by Police Scotland and in answer to questions from Members.

The Board then heard from Mr Thomson in support of the application and in answer to Members questions.

It was noted that there were no adverse comments from the Licensing Standards Officer.

Following consideration of the application, Councillor Mooney moved that the application be refused.

As an amendment, Councillor Dickson moved that the application be granted with the conditions that both the Designated Premises Manager and SIA door stewards be in attendance for the duration of the event.

On a vote being taken, one Member voted for the motion and three for the amendment. Accordingly the amendment was carried.

**DECIDED:-**

The Board agreed that the application be granted with the conditions that both the Designated Premises Manager and SIA door stewards would be in attendance for the duration of the event.

**ADJOURNMENT**

Having heard the Chair, Councillor Brown, it was agreed that the meeting be adjourned at 1.30 p.m. and would resume at 2.00 p.m. in the Council Chamber within the Council Offices, Garshake Road, Dumbarton.

The meeting resumed at 2.00 p.m. in the Council Chamber, Council Offices, Garshake Road, Dumbarton with Councillors Brown, Dickson, Docherty and Mooney in attendance.

**REVIEW OF PERSONAL LICENCE – MS RUTH MCCALLUM**

In terms of Section 83(7) of the Licensing (Scotland) Act 2005, Members were requested to hold a Hearing to consider the Personal Licence held by Ms Ruth McCallum.

It was noted:-

- (a) that both the personal licence holder, Ruth McCallum, and a representative of Police Scotland had been invited to attend the meeting in order that a hearing could take place;
- (b) that Ms McCallum was in attendance at the meeting; and
- (c) that Sergeant Walker, Licensing Sergeant, was in attendance on behalf of the Chief Constable, Police Scotland.

The Board then heard from Sergeant Walker in relation to the letter from Police Scotland seeking a review of Miss McCallum's Personal Licence. Thereafter, the Board heard from Miss McCallum in relation to the circumstances which led to the review application from Police Scotland.

**ADJOURNMENT**

Having heard the Chair, Councillor Brown, the Board agreed to adjourn for a short recess.

The meeting resumed at 2.23 p.m. with Councillors Brown, Dickson, Docherty and Mooney in attendance.

**DECIDED:-**

Following consideration of all matters before the Board, it was agreed that no action be taken in relation to Ms McCallum's Personal Licence.

**APPLICATION FOR VARIATION OF PREMISES LICENCE IN TERMS OF  
THE LICENSING (SCOTLAND) ACT 2005**

An application for Variation of Premises Licence for The Duntiglennan Bar, Dumbarton Road, Clydebank G81 6DN was submitted by DCSC Management Limited, 22 Backbrae Street, Kilsyth G65 0NH for consideration.

The Board heard from Sergeant Walker in relation to a letter of representation from Police Scotland. Thereafter, Sergeant Walker was heard in answer to Members' questions.

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

Ms Zoe Calderwood, Miller Samuel Hill Brown Solicitors and Mr David Cunningham were in attendance on behalf of the applicant and thereafter both were heard in support of the application and in answer to Members' questions.

**ADJOURNMENT**

Having heard the Chair, Councillor Brown, the Board agreed to adjourn for a short recess.

The meeting resumed at 2.59 p.m. with Councillors Brown, Dickson, Docherty and Mooney in attendance.

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

- (1) that all parts of the application be granted except the existing additional conditionals 4 and 5 which would remain on the licence as undernoted:-
  - The premises display and implement a no football related scarves, flags or other regalia policy which ensures that such items are not visible within the premises nor are displayed or worn by either customers or staff within the premises
  - No football related scarves, strips, flags or other regalia will be stored within the premises

## **APPLICATION FOR A PERSONAL LICENCE IN TERMS OF THE LICENSING (SCOTLAND) ACT 2005**

An application for Personal Licence was submitted for Mr John Gallacher.

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

- (a) that a letter dated 13 September 2017 had been received from Police Scotland providing information on relevant convictions held by the applicant;
- (b) that both the applicant and a representative of Police Scotland had been invited to attend the meeting in order that a Hearing could take place;
- (c) that the applicant was not in attendance at the meeting however Sergeant Walker was in attendance on behalf of Police Scotland; and
- (d) that copies of the letter from Police Scotland had been issued to Members of the Board and the applicant in advance of the meeting.

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

### **DECIDED:-**

Following consideration, the Board agreed that the application be refused.

## **REVIEW OF PERSONAL LICENCE – MR GRAHAM CAMPBELL**

In terms of Section 83(7) of the Licensing (Scotland) Act 2005, Members were requested to hold a Hearing to consider the Personal Licence held by Mr Graham Campbell.

It was noted:-

- (a) that both the personal licence holder, Mr Graham Campbell, and a representative of Police Scotland had been invited to attend the meeting in order that a hearing could take place;
- (b) that Mr Campbell was not present at the meeting but was represented by his legal representative Mr Jonathan Paul, Jonathan Paul Solicitors; and
- (c) that Sergeant Walker, Licensing Sergeant, was in attendance on behalf of the Chief Constable, Police Scotland.

The Board then heard from Sergeant Walker in relation to the letter from Police Scotland seeking a review of Mr Campbell's Personal Licence. Thereafter, the Board heard from Mr Paul who advised that the matter detailed in the letter from Police Scotland remained sub-judice and that the licence holder would be entering a 'not guilty' plea.

## **ADJOURNMENT**

Having heard the Chair, Councillor Brown, the Board agreed to adjourn for a short recess.

The meeting resumed at 3.30 p.m. with Councillors Brown, Dickson, Docherty and Mooney in attendance.

### **DECIDED:-**

Following consideration of all matters before the Board, it was agreed that no action be taken in relation to Mr Campbell's Personal Licence at this time.

## **UPDATE ON LICENSING BOARD POLICY STATEMENT**

A report was submitted by the Clerk to the Licensing Board providing an update on current progress in preparing the Licensing Board's Statement of Licensing Policy.

Having heard both the Clerk to the Licensing Board and the Depute Clerk to the Licensing Board in further explanation of the report, the Board agreed:-

- (1) to note the update on current progress in preparation of the Board's Statement of Licensing Policy;
- (2) to note the updated timetable of proposed timescales for preparation of the Licensing Policy Statement as detailed at paragraph 4.3 of the report; and
- (3) to otherwise note the terms of the report.

## **DATES OF FUTURE MEETINGS**

Members agreed to set a Special Meeting of the Licensing Board on Tuesday, 23 January 2018 at 2.00 p.m. to consider the Board's Licensing Policy Statement.

It was noted that the next scheduled meeting of the Licensing Board would be held on Tuesday, 20 March 2018 at 10.00 a.m. (venue to be confirmed).

Members also agreed the undernoted programme of dates for future meetings of the Licensing Board:-

Tuesday, 19 June 2018 at 10.00 a.m.  
Tuesday, 18 September 2018 at 10.00 a.m.  
Tuesday, 11 December 2018 at 10.00 a.m.

Tuesday, 12 March 2019 at 10.00 a.m.  
Tuesday, 11 June 2019 at 10.00 a.m.



Tuesday, 10 September 2019 at 10.00 a.m.  
Tuesday, 10 December 2019 at 10.00 a.m.

Tuesday, 10 March 2020 at 10.00 a.m.  
Tuesday, 9 June 2020 at 10.00 a.m.  
Tuesday, 15 September 2020 at 10.00 a.m.  
Tuesday, 8 December 2020 at 10.00 a.m.

Tuesday, 16 March 2021 at 10.00 a.m.  
Tuesday, 15 June 2021 at 10.00 a.m.  
Tuesday, 14 September 2021 at 10.00 a.m.  
Tuesday, 7 December 2021 at 10.00 a.m.

Tuesday, 15 March 2022 at 10.00 a.m.

The meeting closed at 3.30 p.m.