

West Dunbartonshire Licensing Board

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26 November 2020

MEETING OF WEST DUNBARTONSHIRE LICENSING BOARD:- WEDNESDAY, 9 DECEMBER 2020

Dear Sir/Madam

Notice is hereby given that a Meeting of West Dunbartonshire Licensing Board will be held virtually via Zoom on Wednesday, 9 December 2020 at 10.00 a.m. **A pre-meeting for Board Members will be held at 9.45 a.m.**

The Chair of the Licensing Board has directed that the powers contained in terms of Section 133 of the 2005 Act, as amended by the Coronavirus (Scotland) Act 2020 are to be used and so Members and parties will attend remotely and that the meeting of the Board cannot be held in person because of a reason relating to the current COVID-19 (Coronavirus) emergency.

The agenda for the meeting is attached. Members are requested to note that the document pack contains confidential information that should not be made available to the press or public.

I shall be obliged if you will advise Nuala Borthwick, Committee Officer, email nuala.borthwick@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 Diane Docherty
Councillor Caroline McAllister
Councillor Jonathan McColl
Councillor Marie McNair
Councillor John Millar
Councillor Brian Walker

All other Councillors for information

Chief Executive

LICENSING BOARD - WEDNESDAY, 9 DECEMBER 2020

AGENDA

1 APOLOGIES

2 STATEMENT BY THE CHAIR – ZOOM VIDEO CONFERENCING

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 PROCEDURE FOR LICENSING BOARD MEETING – 9 DECEMBER 2020 5 - 6

Submit for approval, procedure for the meeting of the Licensing Board to be held virtually via Zoom video conference.

5 MINUTES OF PREVIOUS MEETING 7 – 10

Submit for approval as correct record Minutes of Meeting of the Licensing Board held on 2 September 2020.

6 APPLICATION FOR VARIATION OF PREMISES LICENCE 11 - 15

Submit for consideration application for Variation of Premises Licence for Morrisons, Glasgow Road/Leven Street, Dumbarton G82 1QZ.

West Dunbartonshire Licensing Board

Process for Licensing Board Meeting – 9 December 2020

1. The meeting of the Licensing Board on 9 December will be via Zoom video conferencing.
2. The calling notice for the meeting issued to Licensing Board Members advises that the Chair of the Licensing Board has directed that the powers contained in terms of Section 133 of the 2005 Act, as amended by the Coronavirus (Scotland) Act 2020 are to be used and so Members and parties will attend remotely and that the meeting of the Board cannot be held in person because of a reason relating to coronavirus.
3. **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 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.
4. The Chair will welcome members and participants to the meeting and read out a statement that will advise that Members and applicants/objectors should use mute on the computer devices they have used to access the meeting when they are not speaking. The Clerk to the Board will then outline the normal Licensing Board procedure that the Board will follow for the item on the agenda with the following additions due to the video conferencing nature of the meeting:
5. 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.
6. The Chair will advise on the procedure as to when Members or a party in the proceedings wish to and are directed to speak during the proceedings. This will be by using the "raise hand" function on Zoom to alert the attention of the Clerk and also Committee Services who will be monitoring this. Members should avoid using the Chat function within the zoom conferencing unless directed by the Chair to use such. Board Members and parties to the proceedings should not come in during items unless the Chair/Clerk to the Board invites them to do so.
7. If any Members or any party lose connection they should try to rejoin the meeting. If this fails, they should call the telephone number provided to them in advance of the meeting for assistance. Support will be available from an ICT officer during the meeting if required.
8. 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 on screen.

9. The Chair will introduce each item on the agenda and in consultation as required with the Clerk to the Board will manage the process.
10. 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.
11. Following determination of the Board business, the Chair will bring the meeting to a close.

WEST DUNBARTONSHIRE LICENSING BOARD

At a Meeting of West Dunbartonshire Licensing Board held by Video Conference on Wednesday, 2 September 2020 at 2.00 p.m.

Present: Councillors Ian Dickson, Diane Docherty, Caroline McAllister, Jonathan McColl, Marie McNair and Brian Walker.

Attending: Raymond Lynch, Depute Clerk to the Licensing Board, Peter Clyde, Licensing Standards Officer and Nuala Borthwick, Committee Officer.

Also attending: Dr Emilia Crighton, Head of Health Services Section, Public Health, NHS Greater Glasgow and Clyde.

Apology: An apology for absence was received from Councillor John Millar.

Councillor Ian Dickson in the Chair

DECLARATIONS OF INTEREST

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

STATEMENT BY THE CHAIR

Councillor Ian Dickson, Chair, advised that the powers contained in terms of Section 133 of the 2005 Act, as amended by the Coronavirus (Scotland) Act 2020, would be used to enable Members and parties to attend remotely and that the meeting of the Board could not be held in person due to the current COVID-19 (Coronavirus) emergency.

The Chair then made direction that no photography or recording of the proceedings would be made by any party without the Chair's prior approval. He also directed Members and parties on the use of mute during the meeting, and to indicate their intention to speak by using the 'raise hand' functionality available to them.

PROCEDURE FOR LICENSING BOARD MEETING

Having heard the Chair, Councillor Dickson, the Licensing Board approved the Hearing Procedure for the meeting to be held by video conference.

MINUTES OF PREVIOUS MEETINGS

The Minutes of Meetings of the Licensing Board held on (a) 3 June 2020 and (b) 30 June 2020 were submitted and approved as correct records.

LICENSING BOARD ANNUAL FUNCTIONS REPORT 2019 - 2020

A report was submitted by the Clerk to the Licensing Board seeking approval of the Board's Annual Functions Report in relation to the functions of the Board 2019 - 2020.

Having heard the Depute Clerk to the Licensing Board and the Licensing Standards Officer in further explanation of the report and in answer to Members' questions, the Board agreed to approve the terms of the Functions Report for 2019-2020 as detailed within the appendix of the report.

DECIDED:-

The Board agreed to approve the terms of the Functions Report for 2019-2020 as detailed within the appendix of the report.

LICENSING BOARD FINANCIAL STATEMENT 2019-2020

A report was submitted by the Clerk to the Licensing Board advising of the terms of the Board's Statement of Income and Expenditure in relation to its liquor licensing functions for 2019-2020.

Having heard the Depute Clerk to the Licensing Board in further explanation of the report, the Board agreed to note the terms of the Financial Statement 2019-2020 as detailed within the appendix to the report.

DECIDED:-

The Board agreed to note the terms of Financial Statement 2019-2020 as detailed within the appendix of the report.

LICENSING BOARD MEETING DATES

A report was submitted by the Clerk to the Licensing Board seeking agreement of proposed future meeting dates of the Licensing Board following agreement of the Council and committee timetable up to September 2021.

DECIDED:-

Having heard the Depute Clerk to the Licensing Board in further explanation of the report, the Board agreed to approve the undernoted meeting dates up to September 2021 to fit with the committee timetable agreed at the meeting of Council on 24 June 2020:-

- Tuesday, 3 November 2020 at 2.00 p.m.
- Wednesday, 9 December 2020 at 10.00 a.m.
- Wednesday, 24 March 2021 at 2.00 pm.
- Wednesday, 9 June 2021 at 2.00 p.m.
- Wednesday, 1 September 2021 at 2.00 p.m.

VERBAL UPDATE BY DEPUTE CLERK ON BOARD'S ACTIVITIES DURING THE COVID-19 PANDEMIC

The Depute Clerk, Mr Lynch, provided an update on the Board's activities to date in dealing with the Covid-19 pandemic.

Having heard the Depute Clerk to the Licensing Board and following discussion, the Board noted the undernoted points:-

- That the Scottish Government had issued additional guidance to licensing authorities on the granting of occasional licences;
- That delegated authority had been given to the Clerk in consultation with the Chair of the Licensing Board to approve applications for outside drinking areas where there are objections and/or representations on such applications;
- That regular daytime and evening visits had been made to licensed premises by the Chair of the Licensing Board, licensing officers and officers from Police Scotland over the past few months to offer guidance to Licensed Premises and advise on Scottish Government Guidance and that was being followed by Licensed Premises. In addition the Chair and the Depute Clerk had visited premises applying for licences for outdoor drinking areas prior to any such licences being considered for grant;
- That weekly updates continued to be provided to Members of the Licensing Board on applications made for outdoor areas to be licensed and to premises where licences had been granted on a temporary occasional licence basis;
- That in general the vast majority of licence holders had been adhering to guidance issued by the Scottish Government and disseminated by the Council and Licensed Premises had made attempts to comply with COVID-19 guidelines which would continue to be monitored over the winter months; and
- That licensed premises had been complying with the public health requirements of Track and Trace now that it was a mandatory requirement.

Following discussion and having heard from Dr Crighton, Head of Health Services Section, Public Health, NHS Greater Glasgow and Clyde, it was agreed:-

- (1) to note that to date, there was no evidence of transmission of Covid-19 which had been linked to a licensed premises in the area and that this would continue to be monitored;
- (2) to note the importance of reinforcing social distancing and control measures to allow licensed premises in the area to remain open and to avoid having to impose extensive control measures across all licensed premises in the area; and
- (3) that Licensing Standards Officers, together with Police Scotland and Environmental Health officers where appropriate, would continue to visit licensed premises in the area to ensure compliance with guidance and that the Council would use as required Statutory powers where necessary for public safety and in terms of the legislation.

The meeting closed at 2.20 p.m.

ITEM 6 – APPLICATION FOR VARIATION OF PREMISES LICENCE

Premises: Morrisons, Glasgow Road/Leven Street, Dumbarton G82 1QZ.

Applicant: Wm Morrisons Supermarkets Plc, Hilmore House, Gain Lane, Bradford BD3 7DL.

The following documents relating to the application are included as appendices as detailed below:-

<u>List of Productions</u>		<u>Page (s)</u>
Appendix 1	Details of proposed application and consultee responses	Page 13
Appendix 2	Link to Application Form (with detailed Operating Plans)	Page 15

THE LICENSING (SCOTLAND) ACT 2005

Application for Variation of Premises Licence

Ref: WDLBPREM/0192

Name and Address of Premises: Morrisons, Glasgow Road/Leven Street, Dumbarton, G82 1QZ

Applicant/Licence Holder: Gosschalks, in respect of WM Morrison Supermarket PLC, Hillmore House, Gain Lane, Bradford, BD3 7DL

Type of Premises: Off Sales

Proposed Application: To amend 5(F) of the operating plan, to delete the reference to the store being open only between 6am and midnight as this store may trade 24hours in the future.

Police Authority Comments: No objection.

Licensing Standards Comments: No comment.

Fire Authority Comments: No comment.

Regulatory Services Comments: No comment.

Community Council Comments: Objection withdrawn 24.11.20.

Health Board Comments: No comments received.

Access Panel: No comment received.

Additional Comments:

Section 50 Certificates: Not required.

Decision:

The Application can be accessed here or by following the undernoted link:-

<http://www.west-dunbarton.gov.uk/business/licences-permits-and-permissions/alcohol-licences/licences-list-of-current-applications/>