

ITEM 14 – APPLICATION FOR VARIATION OF A PREMISES LICENCE

Premises: The Telstar, 316 Dumbarton Road, Old Kilpatrick G60 5JH.

Applicant: Robert O'Donnell, c/o Glenhead Tavern, Dumbarton Road, Duntocher G81 6HD.

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

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| Appendix 1 | Details of proposed application and consultee responses | Pages 159 - 160 |
| Appendix 2 | Application Form (with detailed Operating Plans) | Pages 161 - 175 |
| Appendix 3 | Letter of objection from Old Kilpatrick Community Council | Page 177 |

Application for Variation of Premises Licences**OBJECTION****Ref:** WDLBPREM/0043**Name and Address of Premises:** The Telstar, 316 Dumbarton Road, Old Kilpatrick G60 5JH**Applicant/Licence Holder:** Robert O'Donnell, c/o Glenhead Tavern, 68 Dumbarton Road, Duntocher, Clydebank G81 6HD**Type of Premises:** Both On and Off Sales (Public House)**Proposed Variation:** To allow outdoor drinking to the front of the premises to be used as on-sales.**Police Authority Comments:** No Objections**Fire Authority Comments:** No Objections**Regulatory Services Comments:****Environmental Health**

There are concerns that the proposals will give rise to noise nuisance. Isabel Fellowes met on site with Mr O'Donnell who advised that he intends running the premises along the same lines as the Glenhead Tavern and as such live music will be a large part of the business activity. Further he intends installing a large glass folding door on the Dumbarton Road frontage leading out to a proposed beer garden. He also intends installing a glass large roof light in the centre of the premises and has already installed at least two velux windows in the roof. All of this additional glass/opening area will result in new noise pathways being formed. The advice to him at the end of the site meeting was to employ the services of a suitably qualified acoustic consultant as she was concerned that complaints from residents would be received. She advised him that in the past nearby residents had made complaints to this section regarding loud music.

We have advised Planning that the beer garden should not be in use beyond 9pm and that we require a noise impact assessment (NIA) to be submitted. To date the NIA has not been received.

Community Council Comments: Objection

Health Board Comments:

No Objections

Access Panel:

No comments received

Additional Comments:

No comments received

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.

| | |
|--|--|
| THE TELSTAR DUMBARTON ROAD OLD KILPATRICK. G60 5JH. | |
| Post Code | G60 5JH G60 5JH / Premises Licence Ref. No. WDLBPREM/0043 |

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

| | | | |
|--|---------|---------------|----------------|
| ROBERT O'DONNELL 10 GLENHEAD TAVERN DUMBARTON RD. DUNTOCHER | | | |
| Post Code | G81 6HD | 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)

| |
|--|
| TO REMOVE SECTION 5(d) OF THE OPERATING PLAN TO ALLOW THE OUTDOOR DRINKING AREA TO THE FRONT OF THE PREMISES TO BE USED FOR ON SALES. |
|--|

- 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)

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)

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.

| | |
|--|---------|
| ROBERT O'DONNELL GREENSIDE KILBOWIE ROAD, HARDGATE. G81 6AP | |
| Reference Number of Personal Licence | WD/0115 |

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 23/4/14

Capacity APPLICANT/AGENT (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.

Contact Us:

**West Dunbartonshire Licensing Board
Council Offices
Rosebery Place
Clydebank
G81 1TG**

**Phone: 01389 738701
Fax: 01389 738674
Email: marie.mccran@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

| | |
|--|---------|
| Will alcohol be sold for consumption off the premises? | YES/NO* |
| Will alcohol be sold for consumption on the premises? | YES/NO* |
| Will alcohol be sold for consumption both on and off the premises? | YES/NO* |
| Other, as appropriate: | |

Question 2

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

| Day | ON Consumption | |
|-----------|----------------|-------------|
| | Opening time | Termination |
| Monday | 11am | 12mn |
| Tuesday | 11am | 12mn |
| Wednesday | 11am | 12mn |
| Thursday | 11am | 12mn |
| Friday | 11am | 1am |
| Saturday | 11am | 1am |
| Sunday | 12.30pm | 12mn |

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

| Day | Off consumption | |
|-----------|-----------------|--------------|
| | Opening time | Closing time |
| Monday | 11am | 10pm |
| Tuesday | 11am | 10pm |
| Wednesday | 11am | 10pm |
| Thursday | 11am | 10pm |
| Friday | 11am | 10pm |
| Saturday | 11am | 10pm |
| Sunday | 12.30pm | 10pm |

Question 4**SEASONAL VARIATIONS**

| | |
|--|---------|
| Does the applicant intend to operate here during seasonal periods? | YES/NO* |
|--|---------|

*If YES – provide details

Additional hours are also being sought for the festive period in conjunction with hours determined annually by the board as its policy. In addition, other such occasions – Easter Sunday and so on, are also sought in conjunction with board policy.

Question 5

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

| COL 1 | COL 2 | COL 3 | COL 4 |
|---|-----------------------|--|--|
| (a) Activity | Please confirm YES/NO | Is it also provided during core licensed hours please confirm YES/NO | Where activities are also to be provided outwith core licensed hours please confirm YES/NO |
| Accommodation | NO | N/A | N/A |
| Confined spaces | NO | N/A | N/A |
| Respiratory appliances | NO | N/A | N/A |
| Hot work | YES | YES | YES |
| Stair safety | | | |
| Swale junction machines | Please confirm YES/NO | Is it also provided during core licensed hours please confirm YES/NO | Where activities are also to be provided outwith core licensed hours please confirm YES/NO |
| Excavation machine | YES | YES | YES |
| Planting - Manual including backhoe etc | | | |
| Clipping other items machines etc | YES | YES | YES |
| NO | | | |
| Crane | Please confirm YES/NO | Is it also provided during core licensed hours please confirm YES/NO | Where activities are also to be provided outwith core licensed hours please confirm YES/NO |
| Light equipment including | | | |
| Recorded music | YES | YES | YES |

| | | | |
|-------------------|----------------|----------------------|-----------------------|
| 5(a) -- bar meals | | | |
| 5(a) -- bar meals | YES | YES | YES |
| 5(a) -- bar meals | YES | YES | YES |
| 5(a) -- bar meals | NO | N/A | N/A |
| 5(a) -- bar meals | NO | N/A | N/A |
| 5(a) -- bar meals | YES | YES | YES |
| 5(a) -- bar meals | YES | YES | YES |
| 5(a) -- bar meals | YES | YES | YES |
| 5(a) -- bar meals | | | |
| 5(a) -- bar meals | Please confirm | If the provided | Where activities are |
| 5(a) -- bar meals | YES/NO | during core licensed | also to be provided |
| 5(a) -- bar meals | | hours please | outwith core licensed |
| 5(a) -- bar meals | | confirm | hours please confirm |
| 5(a) -- bar meals | YES/NO | YES/NO | YES/NO |
| 5(a) -- bar meals | YES | YES | YES |
| 5(a) -- bar meals | | | |
| 5(a) -- bar meals | Please confirm | If the provided | Where activities are |
| 5(a) -- bar meals | YES/NO | during core licensed | also to be provided |
| 5(a) -- bar meals | | hours please | outwith core licensed |
| 5(a) -- bar meals | | confirm | hours please confirm |
| 5(a) -- bar meals | YES/NO | YES/NO | YES/NO |
| 5(a) -- bar meals | 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(a) -- bar meals may be served outwith the core licensed hours with only non-alcoholic drinks served until 11am. This will also be available on occasions after the core licensed hours in conjunction with festive extended hours and any other seasonally extended hours the board may grant as policy.

5(b) -- receptions/functions may take place outwith the core hours either if the event is unlicensed, operating during a time of annually extended policy hours such as festive hours or if an occasional extension had been applied for and granted; club and other group meetings at the premises may take place outwith the licensed hours but no alcohol would be served outwith the core hours or any

addition thereto. The premises have a lounge/function room, a lounge and a bar- any of these bar can be used as a function room depending on the demand. When they are being used as a function, they will be closed to members of the public.

5(c) - recorded music is currently available. This can be used by any staff on the premises before and after the core hours such as cleaners, bar staff, etc, if they wish to. It may also be used by any of the aforesaid receptions/functions and/or clubs/groups. Dominoes, cards and other board games are available to patrons to play during the hours the premises are open. Pool (table(s)) available throughout the hours the premises are open. Televised sport may be available throughout the times the premises are open. Live performances may continue after the core licensed hours where the appropriate licence has been obtained. They may also commence before the core licensing hours. In both cases no alcohol would be served outwith the core hours or any addition granted to them. There is no dedicated dance area but patrons may dance if they wish to and there is generally dancing at functions. Two AWP's are available throughout the hours the premises are open.

* 5(d) - outdoor drinking - there are two areas - one at the front of the premises and one at the rear of the premises - to which alcohol is sold via off sale. We understand these are not part of the licensed area.

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.

THE PREMISES HAVE A LOUNGE BAR/FUNCTION ROOM; A LOUNGE AND A BAR. ALL OF THE ACTIVITIES LISTED BELOW WILL TAKE PLACE IN ALL AREAS. AS NO DEFINITION OF ACTIVITIES IS GIVEN, THE APPLICANT HAS PROVIDED AS MUCH DETAIL AS POSSIBLE - OTHER ACTIVITIES INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING.

ENTERTAINMENT

Live bands; singers; Disco and dancing; DJ; Cabaret; Stand up and comedy; Talent night; Open mic nights; Karaoke; Party nights; Dinner dances; Race nights; Poker nights; Tea dances; Children's events; Club use of premises - football, fishing, slimmer's, dance classes and so on. Charity and other community events; function hire; Displays and shows; Other entertainment events - e.g. magicians, fortune teller, psychic, entertainers, etc; wine and other food and drink tasting evenings; Product promotion evenings; seasonal events

* AMENDED 23/4/14. No'Donnell

OTHER INFO RE FIVE LICENSING OBJECTIVES

PREVENTION OF CRIME AND DISORDER
 SECURING PUBLIC SAFETY
 PREVENTION OF PUBLIC NUISANCE
 PROTECTING AND IMPROVING PUBLIC HEALTH
 PROTECTING CHILDREN FROM HARM

- The premises are well run and well managed
- Bans are enforced against unwanted patrons to the premises and this information is shared with the police and local licence holders.
- There is an accident book on the premises
- Waste management is in place for the premises
- Children of and under 14 will be allowed on the premises when accompanied by an adult.
- Staff ask for ID if they believe a customer to be under 18 years old – the only ID accepted in the premises is passport or photographic drivers licence but the licence holder would consider extending this were a national ID card come in to place or on advice from the police and/or the licensing board
- Staff are trained about and aware of seeking to guard against under age purchase and agency sales

5(g) Late night premises opening after 1.00am YES when granted an extension at festive season and any other regular extended hours as part of the board's policy

| | |
|---|---------|
| Where you have complied with all applicable licensing objectives with the relevant legislation? | YES/NO* |
|---|---------|

| | |
|--|---------|
| When fully occupied are there still more customers standing than seated? | YES/NO* |
| Is it as appropriate? | |

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

| | |
|--|---------|
| 6(a) When alcohol is sold for consumption on the premises will children or young persons be allowed entry? | YES/NO* |
| Is it 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 of 14 years and under will be allowed entry only when accompanied by an adult. Children and young persons of 15 and over will be allowed access to the premises..

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

0 to 17 years

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

At all times the premises are open.

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

The premises have a lounge bar, lounge bar/function room and bar. Children will be allowed access to the lounge bar and lounge bar/function room or to any area when they are in use as a function room.. An area similar to a children's certificate area can be set aside should the board wish the applicant to do so. Children will not be allowed to sit at bar counters

Question 7

CAPACITY OF PREMISES

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

250 persons

Question 8

NOT APPLICABLE IN TERMS OF THE LICENSING (TRANSITIONAL AND SAVINGS PROVISIONS) (SCOTLAND) ORDER 2007, ARTICLE 24

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

Personal details

8(a) Name

8(b) Date of birth

8(c) Contact address

8(d) Email address

8(e) Personal licence

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

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

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

Signature . * (see note below)

Date 23/4/14

Capacity 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
Rosebery Place
Clydebank
G81 1TG

Phone: 01389 738701
Fax: 01389 738674
Email: marie.mccran@west-dunbarton.gov.uk

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