

## **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, 14 June 2016 at 10.00 a.m.

**Present:** Councillors George Black, Jim Brown, John Mooney, Jonathan McColl, Tommy Rainey and Hazel Sorrell.

**Attending:** Raymond Lynch, Depute Clerk to the Licensing Board; Peter Clyde and Lawrence Knighton, Licensing Standards Officers; Carolann Anderson and Marie Grant, Licensing Assistants and Nuala Borthwick, Committee Officer, Regulatory Services.

**Apologies:** Apologies for absence were intimated on behalf of Councillors Michelle McGinty and John Millar.

**Councillor John Mooney in the Chair**

### **DECLARATIONS OF INTEREST**

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

### **MINUTES OF PREVIOUS MEETING**

The Minutes of Meeting of the Licensing Board held on 15 March 2016 were submitted and approved as a correct record.

### **LICENSING BOARD PROCEDURE NOTE**

The Licensing Board's Hearing Procedure for an Application with Objection(s) or Representation(s) was submitted for information.

**APPLICATION FOR PROVISIONAL PREMISES LICENCE IN TERMS OF THE LICENSING (SCOTLAND) ACT 2005 – RS MCCOLL, 19 SYLVANIA WAY SOUTH, CLYDE SHOPPING CENTRE, CLYDEBANK G81 1EA**

An application was submitted for a Provisional Premises Licence for RS McColl, 19 Sylvania Way South, Clyde Shopping Centre, Clydebank G81 1EA.

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

Mr Russell, Head of Mental Health, Learning Disabilities and Addiction Services, West Dunbartonshire Health & Social Care Partnership was heard in support of the health objection to the application and in answer to questions from both members and the applicant's representative.

Mr Niall Hassard, TLT Solicitors, was in attendance on behalf of the applicant and both he and Mr Brian Henderson, Area Manager, RS McColl, were heard in support of the application and in answer to questions.

**DECIDED:**

Following consideration of all matters before the Board, it was agreed that the Board refuse the application on the following grounds:-

- (1) that the granting of the application would be contrary to the Board's Overprovision Policy;
- (2) that the granting of the application would be inconsistent with the licensing objective of protecting and improving public health as detailed in Section 4 of the Licensing (Scotland) Act 2005; and
- (3) that, having regard for the Licensing Policy Statement, the applicant was unable to provide robust and reliable evidence to the Board on why the benefit to the licensing objectives through the grant of the application, outweighed the detriment to the licensing objectives.

**APPLICATION FOR PROVISIONAL PREMISES LICENCE IN TERMS OF THE LICENSING (SCOTLAND) ACT 2005 – CLYDEBANK CO-OPERATIVE SOCIETY LIMITED, 2 SYLVANIA WAY SOUTH, CLYDEBANK G81 1EA**

An application for grant of a Provisional Premises Licence for Clydebank Co-operative Society Limited, 2 Sylvania Way South, Clydebank G81 1EA was submitted for consideration.

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

Mr Russell, Head of Mental Health, Learning Disabilities and Addiction Services, West Dunbartonshire Health & Social Care Partnership was heard in support of the health objection to the application and in answer to questions.

Mr Archie MacIver, Brunton Miller Solicitors, accompanied by Fiona McInnes, Chief Executive Officer of Clydebank Co-op and Colette Gilliland, Store Manager, were in attendance on behalf of the applicant and both Mr MacIver and Ms McInnes were heard in support of the application and in answer to Members' questions.

Following consideration of all matters before the Board, Councillor McColl, moved:-

That the application be granted.

As an amendment, Councillor Black, moved:-

That the application be refused on two grounds, these being:

1. The application is contrary to the Board's Overprovision Policy and the rebuttal submitted by the applicant does not satisfy the Board that the benefits outweigh the detriment to the licensing objectives. The application will clearly increase access to and the availability of alcohol in the overprovided area. The applicant was strongly advised not to surrender the original licence in 2013 and the restoration of a facility previously enjoyed cannot be viewed as a benefit to the licensing objectives; and
2. that the granting of the application would be inconsistent with the licensing objective of protecting and improving public health as detailed in Section 4 of the Licensing (Scotland) Act 2005.

On a vote being taken, two members voted for the amendment and four for the motion. The motion was accordingly declared carried.

**DECIDED:**

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

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

An application for a Personal Licence was submitted for Ms Andrea Adam.

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

- (a) that a letter dated 21 March 2016 had been received from Police Scotland provided information on a relevant conviction 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; and
- (c) 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 Constable Brown in relation to the circumstances outlined in the Police letter dated 21 March 2016 and in answer to questions from Members.

Ms Adam was then given the opportunity to address the Board in support of her application and thereafter she answered questions from Members.

**DECIDED:**

After consideration, the Board agreed that the application be granted.

**APPLICATION FOR TRANSFER OF A PREMISES LICENCE –  
ALEXANDRIA POST OFFICE, 98-100 MAIN STREET,  
ALEXANDRIA G83 0PB**

Having heard the Chair, Councillor Mooney, it was noted that the application for Transfer of a Premises Licence received in respect of the above premises had been withdrawn.

**PREMISES LICENCE REVIEW UPDATE - SHELL GARAGE**

A report was submitted by the Clerk to the Licensing Board providing an update on both the premises' compliance with the requirements of the Licensing (Scotland) Act 2005 and the outcome of legal proceedings in connection with the premises.

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

- (a) that Mr Archie MacIver, Brunton Miller Solicitors and Mr Gary Haugh who were in attendance on behalf of the licence holder, GS Kilmarnock Limited;
- (b) that a letter from Police Scotland detailing the outcome of legal proceedings in connection with the premises was received on 4 May 2016 and had been issued to Members of the Board and the licence holder in advance of the meeting;
- (c) that an inspection report by the Licensing Standards Officer dated 13 May 2016 had been issued to Members of the Board and the licence holder in advance of the meeting; and
- (d) that Constable Brown was in attendance on behalf of Police Scotland.

Constable Brown was then heard in respect of the letter from Police Scotland and in answer to Members' questions.

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

Mr Archie MacIver, Brunton Miller Solicitors and Mr Gary Haugh, Company Director, GS Kilmarnock Limited were in attendance on behalf of the licence holder, GS Kilmarnock Limited and both were heard in support of the running of the premises and in answer to Members' questions.

**DECIDED:**

Following consideration of all matters before the Board, it was agreed that a written warning letter, under Section 39(2)(a) of the Licensing (Scotland) Act 2005 and in terms of the licensing objection of preventing crime and disorder, be issued to the premises licence holder advising of the serious view that the Board takes of licencees who fail to comply with the law and to encourage a good relationship between the licence holder, the LSOs and Police Scotland to ensure that the premises remain compliant with licensing legislation.

**EXTENSIONS TO LICENSING HOURS OVER THE FESTIVE PERIOD**

A report was submitted by the Clerk to the Licensing Board proposing a policy on the granting of Applications for Extended Hours over the 2016/17 festive period in terms of Section 68 of the Licensing (Scotland) Act 2005.

After discussion and having heard the Depute Clerk to the Licensing Board and Lawrence Knighton, Licensing Standards Officer in further explanation of the report and in answer to Members' questions, the Board agreed:-

- (1) that the period of granting applications for extended hours in respect of the 2016/17 Festive Period should be from Friday, 16 December 2016 to Sunday, 1 January 2017;
- (2) that premises licence holders without significant entertainment (public houses, hotel bars and members' clubs fall into this category) may apply for 1 hours more than the normal licensed hours during the festive period with the exception of Hogmanay;
- (3) that premises licence holders without significant entertainment (public houses, hotel bars and members' clubs) may apply for extended hours to 3.00 a.m. on Hogmanay on condition that last entry to the premises is 11.00 p.m. and the event is pre-ticketed;
- (4) that premises licence holders offering significant entertainment (nightclubs) may apply for 1 hour more than the normal licensed hours during the festive period;

- (5) that authority for the granting of applications for extensions to licensing hours over the Festive Period is delegated to the Clerk to the Licensing Board; and
- (6) that should applications for extended hours be submitted which fall outwith the agreed hours, or aforementioned recommendations, then members should be consulted and if deemed necessary, any such applications will require to be submitted to the Board for consideration.

### **DATES FOR FUTURE MEETINGS**

The following dates were agreed for future meetings of the Licensing Board:-

- (1) Tuesday, 13 September 2016 at 10.00 a.m. in Committee Room 3, Council Offices, Garshake Road, Dumbarton
- (2) Tuesday, 13 December 2016 at 10.00 a.m. in Committee Room 3, Council Offices, Garshake Road, Dumbarton
- (3) Tuesday, 14 March 2017 at 10.00 a.m. in Committee Room 3, Council Offices, Garshake Road, Dumbarton

The meeting closed at 11.56 a.m.