

WEST DUNBARTONSHIRE LICENSING BOARD

At a Meeting of the West Dunbartonshire Licensing Board held in the Civic Space, 16 Church Street, Dumbarton on Tuesday, 18 September 2018 at 10.00 a.m.

Present: Councillors Jim Brown, Ian Dickson, Diane Docherty, Jonathan McColl, 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, Licensing Standards Officer and Nuala Borthwick, Committee Officer.

Also attending: Sergeant Mairi Capaldi, Licensing Sergeant, Police Scotland.

Apologies: An apology for absence was intimated on behalf of Councillor John Millar.

Councillor Jim Brown in the Chair

DECLARATIONS OF INTEREST

The Chair, Councillor Brown declared a non-financial interest in the item entitled, 'Application for Variation of a Premises Licence' in relation to The Goldenhill, 1 Victoria Place, Hardgate, Clydebank and advised that he would take no part in the Committee's decision in relation to that item.

Councillor McColl declared a non-financial interest in the item entitled, 'Application for Variation of a Premises Licence' in relation to Bombay Jocks, Balloch Road, Balloch and advised that he would take no part in the Committee's decision in relation to that item.

LICENSING BOARD HEARING PROCEDURE

The Licensing Board's Hearing Procedure for an Application with Objection(s)/Representation(s) was submitted and noted.

MINUTES OF PREVIOUS MEETINGS

The following Minutes of Meetings of the Licensing Board were submitted and approved as correct records:-

- (1) Special Meeting held on 13 June 2018 subject to the inclusion of Councillor Walker on the sederunt for the meeting;
- (2) Ordinary Meeting held on 19 June 2018. Having heard Councillor Mooney and the Clerk in response, the Board noted that the findings of the national research report entitled, 'CRESH report: Alcohol Outlet Availability and Harm in Scotland – April 2018' supported recent work to review the Board's Licensing Policy Statement; and
- (3) Special Meeting held on 29 August 2018.

APPLICATION FOR VARIATION OF PREMISES LICENCE

An application for Variation of Premises Licence for Clydebank Co-op, 580 Kilbowie Road, Clydebank G81 6QU was submitted for consideration.

It was noted that Ms Colette Gilliland, Designated Premises Manager was in attendance on behalf of the applicant, Clydebank Co-operative Society Limited and was represented at the meeting by Mr John Grant, Wright, Johnston & Mackenzie LLP Solicitors.

As a preliminary matter, the Clerk advised that Members should consider a letter of objection to the application submitted by NHS Greater Glasgow & Clyde which had been provided to Members in advance of the meeting. It was noted that a representative from the Health Board was not in attendance at the meeting to address the Board on the terms of the letter.

The Board then heard from Mr Peter Clyde, Licensing Standards Officer (LSO) who advised that the application may be contrary to the Board's Statement of Licensing Policy, specifically part 4: Overprovision, in respect of an increase in the capacity of the premises from 24.35 square metres to 28.88 square metres.

Thereafter Mr Grant addressed the Board in support of the application and thereafter both Mr Grant and Mr Clyde, LSO answered questions from Members concerning the creation of jobs at the premises and the types of alcohol proposed for sale. Following a request, the proposed location of the alcohol display area in the layout plan for the premises was provided to Members and noted.

DECIDED:-

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

Note:- The Chair, Councillor Brown, having earlier declared an interest in the following item of business, left the meeting at this point.

APPOINTMENT OF TEMPORARY CHAIR

Having heard the Clerk in relation to the aforementioned declaration of interest by the Chair, Councillor Brown, the Board agreed to appoint a temporary Chair from amongst those Members present at the meeting. It was agreed that Councillor Ian Dickson would chair the meeting for the undernoted item of business. Accordingly, Councillor Dickson assumed the Chair for the undernoted item of business only.

Councillor Ian Dickson in the Chair

APPLICATION FOR VARIATION OF PREMISES LICENCE

An application for Variation of Premises Licence for The Goldenhill, 1 Victoria Place, Hardgate, Clydebank G81 6AX was submitted for consideration.

It was noted that Mr Gordon Graham, Designated Premises Manager was in attendance on behalf of the applicant, Kestrel Inns Limited and was represented at the meeting by Mr Archie MacIver, Brunton Miller Solicitors.

It was noted that there were no Licensing Standards Officer comments in relation to the application.

Thereafter Mr MacIver was heard in support of the application which he stated would bring the premises in line with other licensed premises in the area.

DECIDED:-

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

Note:- Councillor Brown re-entered the meeting at this point and resumed the Chair for the remainder of the meeting.

Councillor Jim Brown in the Chair

APPLICATION FOR VARIATION OF PREMISES LICENCE

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

It was noted that Ms Lynn McPherson, Manager was in attendance on behalf of the applicant WM Morrisons Supermarket PLC, and was represented at the meeting by Mr Richard Taylor, Gosschalks Solicitors.

It was noted that there were no Licensing Standards Officer comments in relation to the application.

Thereafter Mr Taylor was heard in support of the application.

DECIDED:-

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

APPLICATION FOR VARIATION OF PREMISES LICENCE

An application for Variation of Premises Licence for The Balcony Bar & Grill, Unit 8, Loch Lomond Shores, Balloch G83 8QL was submitted for consideration.

It was noted that the applicant, Mr Stuart Burch, was in attendance at the meeting.

The Board then heard from Mr Clyde, LSO who advised that the application was contrary to the Board's Statement of Licensing Policy, specifically Section 18.2.1:-

18.2 Access to premises by Children and Young Persons

18.2.1 The Board's Policy is that children and young people under the age of 18 will only be permitted into licensed premises which are considered to be restaurants or into other licensed premises where:-

- (a) The primary purpose of allowing them access is to consume a meal; or
- (b) To attend a pre-booked function.

Having heard the Clerk, it was noted that similar applications had been granted in Balloch in the past.

Thereafter Mr Burch was given the opportunity to address the Board in support of his application and referred to the tourist trade being a significant part of the trade undertaken by the premises and to the fact that the premises often received complaints from customers, particularly tourists visiting the area, for refusing to serve drinks to children who did not wish to consume a meal.

DECIDED:-

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

Note:- Councillor McColl, having earlier declared an interest in the following item of business, left the meeting at this point.

APPLICATION FOR VARIATION OF PREMISES LICENCE

An application for Variation of Premises Licence for Bombay Jocks, Balloch Road, Balloch G83 8SR was submitted for consideration.

It was noted that Mr Stephen Quinn was in attendance on behalf of the applicant, Mr Jagjit Singh Sandhu, and was represented at the meeting by Mr Archie MacIver, Brunton Miller Solicitors.

It was noted that there were no Licensing Standards Officer comments in relation to the application.

Thereafter Mr MacIver was heard in support of the application. Following a request, the proposed location of the external licensed area in the layout plan for the premises was provided to Members for their information.

DECIDED:-

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

Note:- Councillor McColl re-entered the meeting at this point.

APPLICATION FOR VARIATION OF PREMISES LICENCE

An application for Variation of Premises Licence for Liquor Shed, 104 High Street, Dumbarton G82 1PQ was submitted for consideration.

It was noted that Mr Arun Thapar was in attendance on behalf of the applicant, Samridhi Limited, and was represented at the meeting by Mr Archie MacIver, Brunton Miller Solicitors.

It was noted that there were no Licensing Standards Officer comments in relation to the application.

Thereafter Mr MacIver was heard in support of the application which he stated would bring the licensed hours in line with other licensed premises in the Board's area, and in answer to Members' questions.

DECIDED:-

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

REVIEW OF LICENSING POLICY STATEMENT 2018: GENERAL

A report was submitted by the Clerk to the Licensing Board:-

- (a) requesting consideration of the consultation responses received on Part 1 of the Board's consultation in relation to the review of the Licensing Policy Statement; and
- (b) seeking approval of the terms of the new Licensing Policy Statement to be effective from 1 November 2018 to 31 October 2023.

After discussion and having heard the Clerk to the Licensing Board in further explanation of the report and in answer to Members' questions, the Board determined its final decisions on the 5 questions that formed the consultation, as agreed by the Board at its meeting on 20 March 2018 as detailed below.

Question 1 – Licensed Hours: Restaurant Premises

DECIDED:-

To amend the policy on Licensed Hours for Restaurant premises to 11 a.m. until 1 a.m. from Monday to Sunday.

Question 2 – Access to Restaurant Premises by Children and Young Persons

The Licensing Board considered whether to extend the terminal hour for children and young persons' access beyond the current time of 10 p.m., and if so, to determine what time is appropriate for children and young persons to remain on restaurant premises only for the purpose of having a meal.

DECIDED:-

That the Board's current terminal hour for children and young persons of 10 p.m. is sufficient for children and young persons to remain on restaurant premises only for the purposes of having a meal.

Question 3 – Extended Hours: Is the Board's current policy on extended hours clear? Should any other events be specified as being 'special events'?

DECIDED:-

That the Board's current policy is sufficiently clear on extended hours, and the Board agreed to the addition of a one-off event linked to the celebration of Halloween be added to its list of special events. The Board further clarified that any one-off Halloween event must be held around the time of Halloween however it did not require to be held on the specific date of Halloween itself.

Question 4 – Miscellaneous Matters

DECIDED:-

The Board agreed to all of the miscellaneous changes to the policy, as detailed to the Board at its meeting on 20 March 2018.

Question 5 – Other Matters

DECIDED:-

The Board agreed that the current policy statement contained sufficient direction on the Board's expectations of licence holders in relation to the delivery of alcohol;

DECIDED:-

The Board agreed:-

- (1) to direct the Clerk to prepare a paper to be presented to a future meeting of the Board on the suggested additions to the policy, as discussed in detail at section 4.14 of the report;
- (2) to remit to the Clerk to draft the detailed wording of the new Licensing Policy Statement to reflect:-
 - the decision of the Board on the 5 consultation questions;
 - the terms of the Policy as agreed by the Board; and
 - the minor typographical changes to bring the Policy up to date (e.g. a new foreword, current population figures etc) and also miscellaneous changes as referred to in paragraph 2.5 of the report; and
- (3) to note that the new Statement of Licensing Policy would then come into effect on 1 November 2018, subject to the equalities impact screening process, and the Chair of the Board being satisfied that the detailed wording reflects the decisions taken by the Board today.

REVIEW OF LICENSING POLICY STATEMENT - OVERPROVISION

A report was submitted by the Clerk to the Licensing Board:-

- (a) requesting consideration of the consultation responses received in relation to Part 2 of the Board's review of its Statement of Licensing Policy; and
- (b) seeking approval of the terms of a new Overprovision Policy which would run from 1 November 2018 to 31 October 2023.

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

- (1) to continue its established approach in relation to the assessment of the overprovision of licensed premises;
- (2) to note that consideration was given to every consultation response received in relation to the assessment of overprovision of licensed premises in the West Dunbartonshire area;

- (3) to note, that in relation to information on the number and capacity of licensed premises which was supplied to the Board at its meeting of 23 January 2018, there was an error within the reported capacity of WDLBPREM/0118 Spar Store Kilbowie Road Clydebank G81 2AX, which is located within IZ05 and that the correct capacity of these premises was 30.15m²;
- (4) to adopt the specified 16 areas as the localities considered to be overprovided for licensed premises and that these had been referred to in more detail in paragraph 3.5 of the report, and were listed in Appendix 4 to the report;
- (5) to note that the 4 categories which formed part of the previous Statement of Licensing Policy are the types of premises which are overprovided for in the area, the categories being:-
 - Pubs
 - Nightclubs
 - Off-sales and local convenience stores
 - Supermarkets
- (6) to note that there was no substantive change to the Board's current Licensing Policy Statement regarding further reference to any regeneration strategies of West Dunbartonshire Council and that the Board should continue to consider each application in accordance with the Licensing (Scotland) Act 2005;
- (7) to incorporate within the revised policy, or links thereto, the evidence that the Board considered in reaching its decision on overprovision and that this be in the form of a summary of the evidence reflecting the process undertaken and evidence considered; and
- (8) that the new policy would come into effect by 1 November 2018, subject to: (i) the advertisement of such; (ii) the equalities impact screening process disclosing no significant adverse impact of the decisions agreed by the Board; and (iii) the Chair of the Board being satisfied that the detailed wording reflected the decisions taken by the Board today.

CHIEF CONSTABLE'S REPORT TO WEST DUNBARTONSHIRE LICENSING BOARD FOR THE PERIOD 1 APRIL 2017 TO 31 MARCH 2018

A report was submitted by the Chief Constable, Police Scotland providing an annual licensing report in accordance with Section 12(A) of the Licensing (Scotland) Act 2005.

DECIDED:-

After discussion and having heard the Licensing Sergeant in further explanation of the report and in answer to Members' questions, the Board agreed to acknowledge the very positive report and the continued good partnership working of Police Scotland with the Licensing Board in West Dunbartonshire.

The meeting closed at 10.37 a.m.