

19 July 2011

Your Ref: PREM\WDLBPREM0187

Our Ref: L\L300\CMcC\43



**STRATHCLYDE
POLICE**

The Clerk
West Dunbartonshire Council
Licensing Board
Rosebery Place
CLYDEBANK
G81 2RF

CHIEF CONSTABLE
Stephen House QPM

'L' Divisional Headquarters
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DUMBARTON
G82 3PT



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Dear Sir

**LICENSING (SCOTLAND) ACT 2005, SECTION 36
PREMISES LICENCE REVIEW APPLICATION
PREMISES – KEYSTORE, 148 MONTROSE STREET, CLYDEBANK, G81 2PE
PREMISES NO: WDLBPREM0187
PREMISES LICENCE HOLDER – TUBASSUM AKBAR
DESIGNATED PREMISES MANAGER – TUBASSUM AKBAR**

In the terms of Section 36(1) of the Licensing (Scotland) Act 2005, the Chief Constable hereby makes application to the Licensing Board for a review of the premises licence in respect of the premises known as Keystore, 148 Montrose Street, Clydebank, G81 2PE.

The Chief Constable makes application in terms of Section 36(3)(b) on grounds relevant to one or more of the licensing objectives as articulated at Section 4(1) of the 2005 Act, namely,

- Preventing crime and disorder.

In support of this application, the following information is provided for your consideration.

About 1915 hours on Friday 25 May 2011, police officers were on uniform mobile patrol when they observed a male youth exiting Keystore, 148 Montrose Street, Clydebank in possession of a blue plastic bag. Suspecting the youth to be in possession of alcohol and under-age they stopped the youth. Enquiry revealed the individual to be 16 years of age and to have just purchased a bottle of Buckfast tonic wine from these premises. Shop Assistant Mohsam Mahmood was subsequently charged with Licensing (Scotland) Act 2005, Section 102(1) (sell alcohol to a person under 18 years of age). To date of this report a pleading diet has been set for 20 July 2011.

Yours Honours should also be aware of the following relevant information; which has previously been reported to the Licensing board and is replicated here for ease of reference.

About 1716 hours on Friday 27 November 2009, a test purchase operation was conducted at the premises and a test purchaser was sold a bottle of cherry flavoured "Lambrini" wine without being asked for identification or being challenged as to their age. Consequently, Narda Don Waralala, a Sales Assistant was the subject of a report to the Procurator Fiscal, Dumbarton regarding a contravention of the Licensing (Scotland) Act 2005, Section 102 (sell alcohol to a person under 18 years of age). No further proceedings were taken against the accused in this case.

About 1800 hours on Friday 4 June 2008, a test purchase operation was conducted at the premises and a test purchaser was sold a bottle of Blue Wicked without being asked for identification or being challenged as to their age. Consequently, Zia Ulhaq, Shop Assistant was the subject of a report to the Procurator Fiscal, Dumbarton regarding a contravention of the Licensing (Scotland) Act 1976, Section 68(1) & (7) (sell alcohol to a person under 18 years of age). The shop owner Tubassum Akbar was reported to the Procurator Fiscal, Dumbarton regarding a contravention of the Licensing (Scotland) Act 1976, Section 67 & 68(1) and (7) "vicarious responsibility for the sale by her employee". The Procurator Fiscal decided that there was insufficient evidence to proceed with the case against both accused.

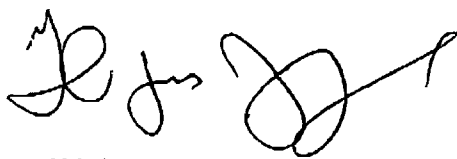
Police enquiry has also revealed the following information which Your Honours may wish to consider.

About 1510 hours on Friday 14 December 2007, police officers were on uniform mobile patrol when they observed a number of youths on a grassed area near to the Keystore, 148 Montrose Street, Clydebank drinking from opened bottles of Buckfast tonic wine. Enquiry revealed that a 17 year old male youth had been sold 2 x bottles of Buckfast tonic wine that day on two separate occasions, one by the shop owner and once by a member of staff from the premises. Consequently the shop owner Tubassum Akbar was reported to the Procurator Fiscal, Dumbarton regarding 2 x contraventions of the Licensing (Scotland) Act 1976, Section 67 & 68(1) and (7). One of these charges was relevant to her own sale of alcohol to a youth under age whilst the second charge was relevant to her being the holder of the licence and having a vicarious responsibility for the sale by her employee. Shop Assistant Imtiaz Javed was also reported to the Procurator Fiscal, Dumbarton regarding a contravention of the Licensing (Scotland) Act 1976, Section 67 & 68(1) and (7) (sell alcohol to a person under 18 years of age). A 'not guilty' plea was accepted in the case against Tubassum Akbar while 'no proceedings' were taken in the case against Imtiaz Javed.

While it is for Your Honours to consider the grounds and take appropriate action, it is the Chief Constable's position that as a consequence of the Act and omissions I have detailed, the premises has not operated in terms of the Crime Prevention objective, which you will appreciate is one of the core principles of the 2005 Act.

If satisfied that the grounds for review has been established, Your Honours may wish to consider appropriate action under the terms of Section 39(2) of the Act, for the purpose of the licensing objectives.

Yours faithfully



for Chief Superintendent
Divisional Commander

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