

WEST DUNBARTONSHIRE LICENSING BOARD

Report by the Clerk to the Licensing Board

14 February 2012

Subject: Review of Personal Licence – Mrs Tubassum Akbar

1. Purpose

- 1.1** This report provides information to assist the Board in considering the Review of the Personal Licence held by Mrs Tubassum Akbar given the decision of the Board at its meeting on 16 August 2011 to hold a Hearing to review the Personal Licence held by Mrs Akbar in terms of Section 84(3)(a) of the Licensing (Scotland) Act 2005.
- 1.2** At the meeting of the Licensing Board held on 8 November 2011, the Board considered a report given the findings that Mrs Akbar's conduct had been inconsistent with the crime and disorder objective and it was agreed that the Hearing would be continued to the next meeting of the Licensing Board to enable Mr Akbar's legal representative to attend.

2. Background

- 2.1** At the meeting of the Licensing Board held on 16 August 2011, the Board considered an Application for Review of a Premises Licence from the Chief Constable of Strathclyde Police in relation to Mrs Tubassum Akbar, the licence holder in respect of 148 Montrose Street, Clydebank (a copy of the Police letter is attached as Appendix 1).
- 2.2** During the course of the Review Hearing on 16 August 2011, the Board also heard from Peter Clyde, Licensing Standards Officer, in terms of his report dated 1 August 2011 (a copy of which is attached as Appendix 2).
- 2.3** At the Hearing on 16 August 2011, the Board unanimously agreed:-
- (i) that the premises licence be suspended for a period of 4 months with the reprisal that should matters as regards the operation of the premises be remedied to the Board's satisfaction, then an application to revoke the suspension could be considered at the meeting of the Board on 8 November 2011; and
 - (ii) that the Board made a finding in terms of Section 84 (3)(a), that Mrs Akbar's conduct had been inconsistent with the crime and disorder objective and that a Hearing be held before West Dunbartonshire Licensing Board to consider the Personal Licence held by Mrs Akbar, at its next meeting on 8 November 2011.

- 2.4** A copy of the Excerpt Minutes of Meeting of the Licensing Board held on 16 August 2011, detailing the decision of the Board, is also provided for information (a copy of the excerpt is attached as Appendix 3).
- 2.5** At the meeting of the Licensing Board held on 8 November 2011, Members considered a request to revoke the suspension of the premises licence and thereafter unanimously agreed to revoke the suspension. This was granted subject to a number of conditions to enable Officers to monitor the premises to ensure that it continued to operate to the Board's required standard (a copy of the excerpt is attached as Appendix 4).

3. Main Issues

- 3.1** In view of the decision of the Board, in terms of Section 84(3)(a) of the Licensing (Scotland) Act 2005, to hold a Hearing to consider the Personal Licence held by Mrs Akbar, both Mrs Akbar and a representative of the Police authority have been invited to attend the meeting of the Board to be held on 14 February 2012.
- 3.2** A report by the Licensing Standards Officer, updating Members on the current position concerning general compliance and training of staff at the premises, is attached as Appendix 5.
- 3.3** The Licensing (Scotland) Act 2005, Section 142: Guidance for Licensing Boards and Local Authorities states that if following a hearing, the Licensing Board considers that a sanction is required against the personal licence holder then, depending on the circumstances, it can take one of the following actions:-
- Revoke the licence;
 - Suspend the licence for such period, not exceeding 6 months, as the Board considers appropriate; or
 - Endorse the personal licence

4. People Implications

- 4.1** There are no personnel issues.

5. Financial Implications

- 5.1** There are no financial implications.

6. Risk Analysis

- 6.1** There is no increased risk to the Council associated with the contents of this report.

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7. Equalities Impact Assessment (EIA)

7.1 No issues were identified in the screening for potential impact of this report.

8. Strategic Assessment

8.1 There are no strategic implications.

9. Conclusions and Recommendation

9.1 It is recommended that the Board hold a hearing to review the Personal Licence held by Mrs Akbar.

Andrew Fraser
Clerk to the Licensing Board

Date: 1 February 2012

Person to Contact: Andrew Fraser, Clerk to the Licensing Board, West Dunbartonshire Licensing Board, Council Offices, Garshake Road, Dumbarton G82

Appendices: Appendix 1 – Letter dated 19 July 2011 from the Chief Superintendent, Strathclyde Police, 'L' Division Headquarters, Stirling Road, Dumbarton.

Appendix 2 – Report by Peter Clyde, Licensing Standards Officer dated 1 August 2011- considered at meeting of Licensing Board held on 16 August 2011

Appendix 3 – Excerpt of Minutes of Meeting of the Licensing Board held on 16 August 2011.

Appendix 4 – Excerpt of Minutes of Meeting of the Licensing Board held on 8 November 2011

Appendix 5 – Licensing Standards Officer – Update
report dated 6 February 2012

Background Papers: Licensing (Scotland) Act 2005, Section 142: Guidance for
Licensing Boards and Local Authorities

Wards Affected: Ward 5 – Clydebank Central.