

***Excerpt of Minutes of Meeting of Licensing Board
held on 14 June 2011***

**PREMISES REVIEW FOR CHEERS LICENSED GROCERS,
2 DALGLEISH AVENUE, DUNTOCHER, CLYDEBANK G81 6DU**

In terms of Section 38(1) of the Licensing (Scotland) Act, the Licensing Board considered an Application for Review of the Premises Licence from the Chief Constable of Strathclyde Police in relation to Anil Kumar Randev, the licence holder in respect of the above premises.

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

- (a) that in view of the letter from Strathclyde Police requesting a Premises Licence Review Hearing, both a representative of the licence holder and a representative of the Police authority had been invited to attend the meeting in order that a Hearing could take place;
- (b) that Mr Anil Kumar Randev, the licence holder at the above premises was in attendance and was represented by Mr James Arrol, Solicitor, the Firm of Aamer Anwar & Co Solicitors;
- (c) that a copy of the letter from the Police authority dated 11 May 2011 and a report from the Licensing Standards Officer dated 25 May 2011 had been issued to Members of the Board in advance of the meeting; and
- (d) that Inspector Candlish and Sergeant Stewart were in attendance on behalf of the Chief Constable, Strathclyde Police.

Mr Arrol confirmed that his client had received the letter from Strathclyde Police and report from the Licensing Standards Officer and there were no preliminary issues.

In this regard, the Board heard from Sergeant Stewart who advised that the pleading diet in relation to the charges against Mr Randev had been heard on 10 June 2011 at which Mr Randev had pled guilty and that the sentence had been deferred to 20 June 2012. As a result the matter was no longer subjudice and that further information could be provided by Strathclyde Police on the circumstances which led to the conviction.

The Board then heard from Mr Arrol concerning the agreed oration resulting from the case calling at Dumbarton's Justice of Peace Court on Friday, 10 June 2011. Thereafter, the Board noted that the wording of the conviction had been "you did assault a person unknown, and did repeatedly punch, kick and strike her on the head and body". The wording "push her to the ground" had been deleted from the charge.

The Board then heard from Sergeant Stewart who provided a summary of evidence from the case.

Councillor Jonathan McColl advised that having heard the submission from Sergeant Stewart he may know the main witness. He therefore declared a non-financial interest and left the room. Councillor Jim Finn advised that as well as shopping in the premises he might also know the witness. He also declared a non-financial interest and left the room. The meeting remained quorate.

Following discussion and having heard Sergeant Stewart and Chief Inspector Candlish in answer to Members' questions, it was noted that, to date, CCTV evidence from Mr Randev's shop had not been provided.

Thereafter Mr Arrol was given the opportunity to ask questions of Strathclyde Police.

The Board then heard from Mr Knighton, LSO who provided an update in terms of Section 38(4)(a) of the Licensing (Scotland) Act 2005 following the request for a review of the Premises Licence. He then answered questions from Members, providing information on the issues of non-compliance at the premises and the affect of the flood in December 2010 on the lack of control measures at the premises.

Thereafter, the Board heard from Mr Arrol on behalf of the Licence Holder. Mr Arrol provided information on Mr Randev's account of the circumstances leading to his conviction and provided information on the steps taken to ensure all required control measures were in place at the premises. It was noted that Mr Randev had pled guilty to the offence and that the matter had been deferred for a period of 12 months for good behaviour.

Following consideration and having heard the Clerk to the Licensing Board in answer to Members' questions, the Board unanimously agreed that in light of the degree of loss of control and violence involved in the incident, the risk of further violent incidents and the extent of Mr Randev's involvement in the running of the premises, the ground of review of preventing crime and disorder was established. The Board also unanimously agreed that the premises licence be suspended on the ground relevant to the objective of preventing crime and disorder.

The Board then heard from Mr Arrol who addressed the Board on the period of suspension. It was noted that Mr Arrol considered a 3 month period to be an appropriate period of suspension in the circumstances.

Councillor Calvert seconded by Councillor Ronnie McColl moved that:-

- (1) the premises licence be suspended for 12 months; and
- (2) the Board make a finding in terms of Section 84 of the Licensing (Scotland) Act 2005 that Mr Randev, a personal licence holder who was working in the premises acted in a manner which was inconsistent with the licensing objective of preventing crime and disorder.

Councillor Black moved that the premises licence be suspended for a period of 6 months but failed to find a seconder. Subject to noting Councillor Black's dissent to the period of suspension, the Board following discussion unanimously agreed:-

- (1) that the ground of review of preventing crime and disorder had been established and that the premises licence be suspended for a period of 12 months in terms of Section 39(2)(c) of the Licensing (Scotland) Act 2005;
- (2) that in terms of Section 84(2) of the Licensing (Scotland) Act 2005 and having regard to item (1) above, that a Personal Licence Holder, Mr Anil Kumar Randev, had acted in a manner which was inconsistent with the licensing objective of preventing crime and disorder; and
- (3) that in terms of Section 84(3)(a) of the Licensing (Scotland) Act 2005, that a Hearing be held before West Dunbartonshire Licensing Board to consider the Personal Licence held by Mr Randev given the findings of the Licensing Board.
