

**WEST DUNBARTONSHIRE LICENSING BOARD****Report by the Clerk to the Licensing Board****17 June 2014**

---

**Subject: Review of Personal Licence – Mr David Calvert****1. Purpose**

- 1.1** This report provides information to assist the Board in considering the Review of the Personal Licence held by Mr David Calvert given the decision of the Board at its meeting on 17 September 2013 to hold a Hearing to review the Personal Licence held by Mr Calvert in terms of Section 84(3)(a) of the Licensing (Scotland) Act 2005.
- 1.2** At the meeting of the Licensing Board held on 17 December 2013, the Board agreed to continue the Review Hearing to the next meeting of the Board given that Mr Calvert was not in attendance.
- 1.3** At the meeting of the Licensing Board held on 11 March 2014, the Board again agreed to continue the Review Hearing to the next meeting of the Board given that Mr Calvert was not in attendance.

**2. Recommendation**

- 2.1** It is recommended that the Board hold a hearing to review the Personal Licence held by Mr Calvert.

**3. Background**

- 3.1** At the meeting of the Licensing Board held on 17 September 2013, the Board considered an Application for Review of a Premises Licence from the Chief Constable of Strathclyde Police in relation the premises licence held by Reds Snooker Club Ltd, the licence holder in respect of Reds Snooker Club, Unit 36, 1<sup>st</sup> Floor, Sylvania Way South, Clydebank G81 1EA (a copy of the Police letter is attached as Appendix 1).
- 3.2** During the course of the Premises Licence Review Hearing on 17 September 2013, the Board also heard from Peter Clyde, Licensing Standards Officer, in terms of his report dated 21 August 2013 (a copy of which is attached as Appendix 2).
- 3.3/**

**3.3** At the Hearing on 17 September 2013, the Board agreed:-

- (1) that the premises licence be revoked with immediate effect on the grounds relevant to the licensing objectives of preventing crime and disorder, securing public safety and preventing public nuisance following consideration of the information provided in the application for review by Strathclyde Police and the report by the Licensing Standards Officer;
- (2) that in terms of Section 84(2) of the Licensing (Scotland) Act 2005 and having regard to the above findings of the Board, that a Personal Licence Holder, Mr David Calvert, had acted in a manner that was inconsistent with the above licensing objectives; and
- (3) that in terms of Section 84(3)(a) of the Licensing (Scotland) Act 2005, a Hearing would be held before West Dunbartonshire Licensing Board at a future meeting to consider the Personal Licence held by Mr Calvert given the aforementioned findings of the Board.

**3.4** A copy of the Excerpt Minutes of Meeting of the Licensing Board held on 17 September 2013, detailing the decision of the Board, is also provided for information and is attached as Appendix 3.

#### **4. Main Issues**

**4.1** 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 Mr Calvert, he and a representative of the Police authority have been invited to attend the meeting of the Board held on 17 June 2014.

**4.2** Section 84(7) of the Licensing (Scotland) Act 2005 states that if following a hearing, the Licensing Board considers that an order is required against the personal licence holder for the purposes of any of the licensing objections, then 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

#### **5. People Implications**

**5.1** There are no personnel issues.

#### **6. Financial Implications**

**6.1** There are no financial implications.

**7./**

## **7. Risk Analysis**

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

## **8. Equalities Impact Assessment (EIA)**

- 8.1** No issues were identified in the screening for potential impact of this report.

## **9. Consultation**

- 9.1** No consultation exercise was required in relation to this report.

## **10. Strategic Assessment**

- 10.1** In terms of the Council's Strategic Priorities, the purpose of licensing is to protect the welfare of the community, including vulnerable people.

---

Peter Hesselst  
Clerk to the Licensing Board

Date: 8 May 2014

**Person to Contact:** Peter Hesselst, Clerk to the Licensing Board, West Dunbartonshire Licensing Board, Council Offices, Garshake Road, Dumbarton G82

**Appendices:** Appendix 1 – Letter dated 7 August 2013 from the Chief Superintendent, Police Scotland, 'L' Division Headquarters, Stirling Road, Dumbarton.

Appendix 2 – Report by Licensing Standards Officer dated 21 August 2013 - considered at meeting of Licensing Board held on 17 September 2013.

Appendix 3 – Excerpt of Minutes of Meeting of the Licensing Board held on 17 September 2013.

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

**Wards Affected:** Ward 6 – Clydebank Waterfront.

**PLEASE NOTE CONFIDENTIAL PAGES HAVE BEEN REMOVED**

*Excerpt of Minutes of Meeting of West Dunbartonshire  
Licensing Board held on 17 September 2013*

\*\*\*\*\*

**PREMISES REVIEW FOR REDS, UNIT 36, 1<sup>ST</sup> FLOOR SYLVANIA WAY  
SOUTH, CLYDE SHOPPING CENTRE, CLYDEBANK**

In terms of Section 38(1) of the Licensing (Scotland) Act, the Licensing Board considered an Application for Review of a Premises Licence from the Chief Constable of Police Scotland in respect of the premises known as Reds, Unit 36, First Floor Sylvania Way South, Clyde Shopping Centre, Clydebank.

Mr Maciver, Brunton Miller Solicitors accompanied by Mr Christopher Thayne, Director, Reds Snooker Club Limited and Mr David Calvert, Designated Premises Manager of Reds was heard on behalf of the premises licence holder, Reds Snooker Club Limited. Inspector Wyllie, Sergeant Hendry and Mrs Queen were in attendance on behalf of the Chief Constable, Police Scotland.

After consideration of all matters before the Board, the Board agreed to hold that the grounds of review of preventing crime and disorder, securing public safety and preventing public nuisance had been established.

Mr Maciver was given the opportunity to address the Board on the issue of remedy at the premises.

Thereafter, it was agreed that the premises licence be revoked with immediate effect on the grounds relevant to the licensing objectives of preventing crime and disorder, securing public safety and preventing public nuisance following consideration of the information provided in the application for review by Strathclyde Police and the report by the Licensing Standards Officer.

Having heard the Clerk in relation to the Personal Licence held by Mr Calvert and following discussion, the Board agreed:-

- (i) that in terms of Section 84(2) of the Licensing (Scotland) Act 2005 and having regard to the above findings of the Board, that a Personal Licence Holder, Mr David Calvert, had acted in a manner that was inconsistent with the above licensing objectives; and
- (ii) that in terms of Section 84(3)(a) of the Licensing (Scotland) Act 2005, a Hearing would be held before West Dunbartonshire Licensing Board at a future meeting to consider the Personal Licence held by Mr Calvert given the aforementioned findings of the Board.

**DECIDED:**

It was agreed:-

- (1) that the premises licence be revoked with immediate effect on the grounds relevant to the licensing objectives of preventing crime and disorder, securing public safety and preventing public nuisance following consideration of the information provided in the application for review by Strathclyde Police and the report by the Licensing Standards Officer.
- (2) that in terms of Section 84(2) of the Licensing (Scotland) Act 2005 and having regard to the above findings of the Board, that a Personal Licence Holder, Mr David Calvert, had acted in a manner that was inconsistent with the above licensing objectives; and
- (3) that in terms of Section 84(3)(a) of the Licensing (Scotland) Act 2005, a Hearing would be held before West Dunbartonshire Licensing Board at a future meeting to consider the Personal Licence held by Mr Calvert given the aforementioned findings of the Board.

\*\*\*\*\*