

*Excerpt of Minutes of Meeting
of Licensing Board held on 14 February 2012*

**PERSONAL LICENCE REVIEW –
MR MOHAMMAD AFZAL, 269 NITHSDALEROAD, GLASGOW**

With reference to the Minutes of Meeting of the Licensing Board held on 25 October 2011 and in terms of Section 84(3) of the Licensing (Scotland) Act 2005, a report was submitted by the Clerk to the Licensing Board providing information to assist the Board in considering the Review of the Personal Licence held by Mr Afzal given the findings of the Board that Mr Afzal's conduct had been inconsistent with the crime and disorder objective.

Having heard the Depute Clerk, it was noted:-

- (a) that in view of the Board decision under Section 84(3)(a), both Mr Afzal 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 Afzal, the personal licence holder was in attendance and was represented by Mr Robertson, Stirling and Gilmour Solicitors;
- (c) that a copy of the Clerk's report had been issued to Members of the Board in advance of the meeting and that a copy had been received by the licence holder;
- (d) that Sergeant Stewart and Mrs Karen Queen were in attendance on behalf of the Chief Constable, Strathclyde Police.

It was noted that there were no preliminary issues which required to be addressed.

The Board then heard from Sergeant Stewart who provided an update on the trial date set for the pending case against the shop assistant, Mr Mohsam Mahmood, following the sale of alcohol to an underage person at the licensed premises on 25 May 2011. It was noted that a trial date of 29 March 2012 had been set.

The Board then heard from Lawrence 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 licence.

Mr Knighton was then heard in answer to questions from Members concerning the presence of a blank training record at the premises in October 2011 which

had been signed by another Personal Licence Holder unconnected to the premises. It was noted that a training manual for Mr Arshed, which had been previously unavailable, was made available at the LSO inspection visit on 1 February 2012 and had been signed on the same date as the blank training manual. Mr Knighton was also heard in response to questions concerning refresher training and advised that there was a lack of evidence to suggest refresher training had been carried out at the premises since.

Mr Afzal was then heard in answer to questions from Members concerning the refresher training undertaken by staff at the premises. Mr Afzal advised that refresher training was undertaken by staff following a 3 or 4 month period following the initial training and that, in future, he would keep a written record for all refresher training undertaken by staff.

A copy of the Workbook for Staff of Licensed Premises completed for Mr Arshed was distributed to staff.

Thereafter, the Board agreed that a written statement from Mrs Linda Gallagher, stating that she had trained one member of staff at the premises and had not signed a blank training record, was circulated to members for information.

At the request of Councillor Black, Mr Afzal then provided the Training Workbook for Mr Syed.

Following questions concerning the originality of the signature on the workbook, a note of Mrs Gallagher's signature on her written statement was compared with that on Mr Arshed's Training Workbook and it was agreed by Members of the Board that it was the same signature on both documents.

The Depute Clerk then advised of the options available to the Board in considering the Review of the Personal Licence for Mr Afzal.

Following discussion, the Board agreed that the application for Review of a Personal Licence would be continued to the next meeting of the Licensing Board and that Mr Afzal, the other employees at the premises and Mrs Gallagher would be invited to attend the meeting.
