

WEST DUNBARTONSHIRE COUNCIL

Report by the Clerk to the Licensing Board

Licensing Board – 16 April 2012

Subject: Premises Licence Review – Platinum, 68 Dumbarton Road, Clydebank

1. Purpose

- 1.1** To consider a Premises Licence review for Platinum, 68 Dumbarton Road, Clydebank for non-payment of annual fees.

2. Background

- 2.1** In accordance with the Licensing (Fees) (Scotland) Regulations 2007, Burnmuir Limited, the Licence Holders of Platinum, 68 Dumbarton Road, Clydebank are required to pay an annual fee based on the rateable value of the premises.
- 2.2** A letter dated 11 August 2011 was issued to Burnmuir Limited requesting the annual fee of £280 be paid no later than 1 October 2011.
- 2.3** As the annual fee was not received, a Compliance Notice was then served on the premises on the 4 October 2011 as they were in breach of the Premises Licence Mandatory Conditions Section 10(2) of the Licensing (Scotland) Act 2005. The Compliance Notice requested payment of the annual fees by 11 October 2011.
- 2.4** On 26 October 2011 a citation letter was issued requesting the Licence Holder or agent to appear at a meeting of the Licensing Board on 8 November 2011 as they had failed to pay the annual fee requested in the Compliance Notice.
- 2.5** Due to the non-appearance of the Licence Holder or agent the Board decided to suspend the licence for 1 month commencing on the 1 December 2011. A letter dated 10 November 2011 was sent to Burnmuir Limited outlining the decision.
- 2.6** A letter was then sent on 20 January 2012 to Burnmuir Limited and Ian Kennedy, the director of Burnmuir Limited by recorded delivery and 1st class postage requesting further attendance at a meeting of the Licensing Board on 14 February 2012. A further attempt was made by the Licensing Team to contact Mr. Kennedy, director of Burnmuir Limited, by telephone and a voicemail message was left however no response was forthcoming.
- 2.7** At the meeting of the Licensing Board on 14 February 2012, no representative from Burnmuir Limited was in attendance. Members decided to continue the review of the Premises Licence to the next meeting of the Board to be held on 16 April 2012 to which a citation letter was sent recorded delivery to the Licence Holder.

- 2.8 The Licensing Office have also been in touch with the previous Designated Premises Manager, Louise Halliday, who confirmed on 12 March 2012 she ceased her employment with Burnmuir Limited in January 2011, and requested that her details be removed from the Licence.
- 2.9 Environmental Health officers have made several attempts to gain access to the premises on 9 August 2011, 24 November 2011 and again on 9 March 2012 without success.
- 2.10 Burnmuir Limited have also failed to contact Finance regarding outstanding rates that are required to be paid.

3. Main Issues

- 3.1 Burnmuir Limited, the Licence Holders of Platinum, 68 Dumbarton Road, Clydebank have failed to respond to numerous letters requesting both the payment of annual fees and attendance at two Licensing Boards.

4. People Implication

- 4.1 There are no personnel issues.

5. Financial Implications

This report concerns the failure to pay a fee due to the Board.

6. Risk Analysis

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

7. Equalities, Health & Humans Rights Impact Assessment

- 7.1 No impact assessment is required because this report does not involve any change to policies or services or financial decisions.

8. Strategic Assessment

- 8.1 There are no strategic implications.

9. Conclusions and Recommendations

- 9.1 The Board are asked to consider the contents of this report and advise how they wish Officers to proceed.

Clerk to the Licensing Board

Date: 5 April 2012

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Appendices: N/A.

Background Papers: N/A

Wards Affected: Clydebank Waterfront.