

WEST DUNBARTONSHIRE LICENSING BOARD

Report by the Clerk to the Licensing Board

16 August 2011

Subject: Review of Personal Licence – Mr Anil Kumar Randev

1. Purpose

- 1.1** This report provides information to assist the Board in considering the Review of the Personal Licence held by Mr Anil Kumar Randev given the decision of the Board at its meeting on 14 June 2011 to hold a Hearing to review the Personal Licence held by Mr Randev in terms of Section 84(3)(a) of the Licensing (Scotland) Act 2005.

2. Background

- 2.1** At the meeting of the Licensing Board held on 14 June 2011, the Board considered an Application for Review of a Premises Licence from the Chief Constable of Strathclyde Police in relation to Mr Anil Kumar Randev, the licence holder in respect of Cheers Licensed Grocers, 2 Dalgleish Avenue, Duntocher, Clydebank (a copy of the Police letter is attached as Appendix 1).
- 2.2** During the course of the Review Hearing on 14 June 2011, the Board also heard from Lawrence Knighton, Licensing Standards Officer in terms of his report dated 25 May 2011 (a copy of which is attached as Appendix 2).
- 2.3** At the Hearing on 14 June 2011, the Board unanimously agreed:-
- (i) 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;
 - (ii) that in terms of Section 84(2) of the Licensing (Scotland) Act 2005 and having regard to item (1) above, that the 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
 - (iii) 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.

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- 2.4** Following the decision of the Board detailed at 2.3 above, the Clerk to the Licensing Board received a request for Statement of Reasons in relation to the decision of the Board to suspend the licence. A copy of the Statement of Reasons is attached as Appendix 3 and provides details of the procedure adopted by the Board, summarises the evidence and submissions that were before the Board, details the Board's decision and provides reasons for the decision.
- 2.5** A copy of the Excerpt Minutes of Meeting of the Licensing Board held on 14 June 2011, detailing the decision of the Board, is also provided for information (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 Mr Randev, both Mr Randev and a representative of the Police authority have been invited to attend the meeting of the Board to be held on 16 August 2011.
- 3.2** The Guidance 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.

7. Equalities, Health & Human Rights 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 Mr Randev.

Andrew Fraser
Clerk to the Licensing Board

Date: 21 July 2011

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 11 May 2011 from the Chief Superintendent, Strathclyde Police, 'L' Division Headquarters, Stirling Road, Dumbarton.

Appendix 2 – Report by Lawrence Knighton, Licensing Standards Officer dated 25 May 2011- considered at meeting of Licensing Board held on 14 June 2011

Appendix 3 – Statement of Reasons in relation to decision of the Licensing Board to suspend the Premises Licence for Cheers Licensed Grocers.

Appendix 4 – Excerpt of Minutes of Meeting of the Licensing Board held on 14 June 2011.

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

Wards Affected: Ward 4 - Kilpatrick Ward.