

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

---

**Subject: Review of Personal Licence – Mr Neil Stansfield****1. Purpose**

- 1.1** This report provides information to assist the Board in considering the Review of the Personal Licence held by Mr Neil Stansfield given the decision of the Board at its meeting on 11 March 2014 to hold a Hearing to review the Personal Licence held by Mr Stansfield in terms of Section 84(3)(a) of the Licensing (Scotland) Act 2005.

**2. Recommendation**

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

**3. Background**

- 3.1** At the meeting of the Licensing Board held on 11 March 2014, 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 Aloysius Holdings Ltd, the licence holder in respect of The Laughing Fox, 119 Bridge Street, Alexandria G83 0TA (a copy of the Police letter is attached as Appendix 1).
- 3.2** During the course of the Premises Licence Review Hearing on 11 March 2014, the Board also heard from Lawrence Knighton, Licensing Standards Officer, in terms of his report dated 12 February 2014 (a copy of which is attached as Appendix 2).
- 3.3** At the Hearing on 11 March 2014, the Board agreed:-
- (1) to hold that the grounds of review of the licence, namely preventing crime and disorder and securing public safety, had been established in all three cases;
  - (2) that in each of the three cases, a written warning letter, under Section 39(2)(a) of the Licensing (Scotland) Act 2005 and in terms of the Crime Prevention Objective, be issued to the premises licence holder;

- (3) 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 and the Premises Licence Holder of the premises known as The Laughing Fox, Mr Neil Stansfield, had acted in a manner that was inconsistent with the above licensing objectives; and
- (4) 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 Stansfield given the aforementioned findings of the Board.

**3.4** A copy of the Excerpt Minutes of Meeting of the Licensing Board held on 11 March 2014, 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 11 March 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. 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./**

## 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 Hessett  
Clerk to the Licensing Board

Date: 8 May 2014

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

**Appendices:** Appendix 1 – Letter dated 7 February 2014 from the Chief Superintendent, Police Scotland, 'L' Division Headquarters, Stirling Road, Dumbarton.

Appendix 2 – Report by Licensing Standards Officer dated 12 February 2014 - considered at meeting of Licensing Board held on 11 March 2014.

Appendix 3 – Excerpt of Minutes of Meeting of the Licensing Board held on 11 March 2014.

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

**Wards Affected:** Ward 2 – Leven.

**PLEASE NOTE CONFIDENTIAL PAGES HAVE BEEN REMOVED**

*Excerpt of Minutes of Meeting of West Dunbartonshire  
Licensing Board held on 11 March 2014*

\*\*\*\*\*

**PREMISES REVIEWS FOR THE PAWN LOUNGE, OVERTOUN STREET,  
ALEXANDRIA G83 0DL, THE OLD VALE BAR, 305 MAIN STREET,  
ALEXANDRIA G83 0AJ AND THE LAUGHING FOX, 119 BRIDGE  
STREET, ALEXANDRIA G83 0TA**

In terms of Section 38(1) of the Licensing (Scotland) Act, the Licensing Board considered Applications for Review of a Premises Licence from the Chief Constable of Police Scotland in respect of the three premises.

Mr Douglas Dalgleish, Brunton Miller Solicitors accompanied by Mr Michael Reilly, Director, Aloysius Holdings Limited was heard on behalf of the premises licence holder, Aloysius Holdings Limited. Sergeant Quinn and Constable Miller were in attendance on behalf of the Chief Constable, Police Scotland.

After consideration of all matters before the Board, the Board agreed:-

- (1) to hold that the grounds of review of the licence, namely preventing crime and disorder and securing public safety, had been established in all three cases;
- (2) that in each of the three cases, a written warning letter, under Section 39(2)(a) of the Licensing (Scotland) Act 2005 and in terms of the Crime Prevention Objective, be issued to the premises licence holder;
- (3) 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 and the Premises Licence Holder of the premises known as The Laughing Fox, Mr Neil Stansfield, had acted in a manner that was inconsistent with the above licensing objectives; and
- (4) 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 Stansfield given the aforementioned findings of the Board.

**DECIDED:**

- (1) to hold that the grounds of review of the licence, namely preventing crime and disorder and securing public safety, had been established in all three cases;
- (2) that in each of the three cases, a written warning letter, under Section 39(2)(a) of the Licensing (Scotland) Act 2005 and in terms of the Crime Prevention Objective, be issued to the premises licence holder;
- (3) 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 and the Premises Licence Holder of the premises known as The Laughing Fox, Mr Neil Stansfield, had acted in a manner that was inconsistent with the above licensing objectives; and
- (4) 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 Stansfield given the aforementioned findings of the Board.

\*\*\*\*\*