

Our Ref: WDLBPREM/0084
Your Ref:
Date:
If telephoning please ask for: Peter Clyde - Direct Line (XXXX)
E-Mail Address: peter.clyde@west-dunbarton.gov.uk



Regulatory
16 Church Street
DUMBARTON
G82 1QL

The Clerk
West Dunbartonshire Licensing Board
c/o West Dunbartonshire Council
16 Church Street
Dumbarton
G82 1QL

Dear Sir,

**LICENSING (SCOTLAND) ACT 2005 (“the 2005 Act”): SECTION 36
PREMISES LICENCE REVIEW APPLICATION
PREMISES: 0084 Jenners
PREMISES LICENCE HOLDER: House of Fraser Ltd Unit A Brook Park East Shirebrook
NG20 8RY**

In terms of section 36 of the Licensing (Scotland) Act 2005 I, as a designated Licensing Standards Officer, hereby makes application to the Licensing Board for a review of the premises licence in respect of the premises known as Jenners Unit 7 Retail Crescent Lomond Shores Balloch G83 8QL.

I make this application in terms of Section 36(3)(a) that one or more of the conditions to which the premises licence is subject has been breached and that the notice issued pursuant to this breach has not been complied with; namely;

Para 10 of Schedule 3 to the 2005 Act – *Payment of Annual or Recurring Fees* – the licence holder has failed to pay the annual fee for 2022-2023

By way of background, this condition requires the holder of a premises licence (whether it be in effect or suspended) to make payment of an annual fee to the Licensing Board. For these particular premises the annual fee is £900.

In support of this application, the following information is provided for consideration.

The 2005 Act requires that the annual fee be paid to the Licensing Board before the 1 October each year.

The Licensing Board should be aware that this licence is currently not in force following a decision of the Licensing Board on 15 February 2022 to suspend the licence as a result of non-payment of the annual fee for period 2021 – 2022. Licensing records indicate that this fee also remains unpaid. For the avoidance of doubt no alcohol is being sold from these premises currently.

In relation to the annual fee for 2022-2023, the Premises Licence holder was notified of the need to pay the annual fee by letter on the 14 August 2022. On 14 October 2022 a reminder letter was sent to both the Premises Licence Holder and also to the premises marked for the attention of the Designated Premises Manager (DPM). This letter detailed that the annual fee had not been paid by the due date and encouraged the Licence Holder/DPM to make contact with the Licensing Team to rectify this matter. No contact was forthcoming.

Given that the annual fee for 2022-2023 had not been paid, and that no contact had been made with the Licensing Office, a compliance notice was issued on 17 December 2022 under Section 14 of the Licensing Act. This notice was sent to the registered office of the licence holder and copied to the premises. The notice specified that the annual fee should be paid not later than the 13 January 2023.

This notice has not been complied with.

Section 14 of the Licensing Act states that if a compliance notice is not complied with, the Officer should make a premises licence review application in respect of the licence. This is the basis for the application to review this licence.

I therefore request that the Licensing Board consider the aforementioned grounds for review and take such steps as it consider necessary or appropriate for the purposes of the Licensing Objectives under the terms of Section 39(2) of the Act.

Yours faithfully,

A handwritten signature in black ink, consisting of several loops and a trailing flourish, positioned above the typed name.

Peter Clyde
Licensing Standards Officer