

# WEST DUNBARTONSHIRE LICENSING BOARD

## Report by the Clerk to the Licensing Board

17 December 2013

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**Subject: Review of Personal Licence – Mr David Calvert**

### **1. Purpose**

- 1.1** This report provides information to assist the Board in considering the Review of the Personal Licence held by Mr David Calvert given the decision of the Board at its meeting on 17 September 2013 to hold a Hearing to review the Personal Licence held by Mr Calvert 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 Calvert.

### **3. Background**

- 3.1** At the meeting of the Licensing Board held on 17 September 2013, 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 Reds Snooker Club Ltd, the licence holder in respect of Reds Snooker Club, Unit 36, 1<sup>st</sup> Floor, Sylvania Way South, Clydebank G81 1EA (a copy of the Police letter is attached as Appendix 1).
- 3.2** During the course of the Premises Licence Review Hearing on 17 September 2013, the Board also heard from Peter Clyde, Licensing Standards Officer, in terms of his report dated 21 August 2013 (a copy of which is attached as Appendix 2).
- 3.3** At the Hearing on 17 September 2013, the Board agreed:-
- (1) that the premises licence be revoked with immediate effect on the grounds relevant to the licensing objectives of preventing crime and disorder, securing public safety and preventing public nuisance following consideration of the information provided in the application for review by Strathclyde Police and the report by the Licensing Standards Officer;
  - (2) 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, Mr David Calvert, had acted in a manner that was inconsistent with the above licensing objectives; and

(3) 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 Calvert given the aforementioned findings of the Board.

**3.4** A copy of the Excerpt Minutes of Meeting of the Licensing Board held on 17 September 2013, 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 17 December 2013.

**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.

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Peter Hessett  
Clerk to the Licensing Board

Date: 21 November 2013

**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 August 2013 from the Chief Superintendent, Police Scotland, 'L' Division Headquarters, Stirling Road, Dumbarton.

Appendix 2 – Report by Licensing Standards Officer dated 21 August 2013 - considered at meeting of Licensing Board held on 17 September 2013.

Appendix 3 – Excerpt of Minutes of Meeting of the Licensing Board held on 17 September 2013.

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

**Wards Affected:** Ward 6 – Clydebank Waterfront.