

## **WEST DUNBARTONSHIRE LICENSING BOARD**

At a Special Meeting of the West Dunbartonshire Licensing Board held in Brock Meeting Room, Council Offices, 16 Church Street, Dumbarton on Wednesday, 13 June 2018 at 12.30 p.m.

**Present:** Councillors Jim Brown, Ian Dickson, Diane Docherty, Jonathan McColl, John Millar, John Mooney and <sup>1</sup>Brian Walker.

**Attending:** Raymond Lynch, Depute Clerk to the Licensing Board; Peter Clyde, Licensing Standards Officer and Nuala Borthwick, Committee Officer.

**Also attending:** Sergeant Mairi Capaldi, Licensing Sergeant, Police Scotland.

**Apology:** An apology for absence was intimated on behalf of Councillor Marie McNair.

**Councillor Jim Brown in the Chair**

### **DECLARATIONS OF INTEREST**

It was noted that there were no declarations of interest in any of the items of business on the agenda.

### **VARIATION IN THE ORDER OF BUSINESS**

Having heard the Chair, Councillor Brown, the Board agreed that the business of the meeting be varied as hereinafter minuted.

### **LICENSING BOARD HEARING PROCEDURE**

The Licensing Board's Hearing Procedure for Review of a Premises/Personal Licence was submitted for information.

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<sup>1</sup> As corrected by the Licensing Board at its meeting on 18 September 2018.

## **REVIEW OF PERSONAL LICENCE – GERARD CASSIDY**

In terms of Section 83(7) of the Licensing (Scotland) Act 2005, Members were requested to hold a Hearing to consider a Personal Licence held by Mr Gerard Cassidy. In this respect, a letter was submitted from the Chief Constable, Police Scotland.

It was noted that Mr Cassidy was in attendance and was represented by Mr Douglas Thomson, Solicitor Advocate, McArthur Stanton Solicitors.

The Board then heard a preliminary issue from Mr Thomson who requested that the Hearing be continued to a future meeting of the Licensing Board so that the outcome of the pending criminal matter against Mr Cassidy could be determined prior to the Board considering the Review of Personal Licence.

### **DECIDED:-**

After discussion, the Board agreed that the Hearing be continued to a Special Meeting of the Licensing Board, provisionally proposed to be held in August 2018.

## **REVIEW OF PREMISES LICENCE – MOUNTBLOW BAR AND REVIEW OF PERSONAL LICENCE – CATHERINE SWEENEY**

In terms of Section 38(1)(b) of the Licensing (Scotland) Act 2005, Members were requested to hold a Hearing to consider a Premises Licence for the Mountblow Bar, 832 Dumbarton Road, Clydebank G81.

As a preliminary matter and having heard the Depute Clerk to the Licensing Board, it was agreed that both the Review of Premises Licence for Mountblow Bar and Review of Personal Licence for Ms Catherine Sweeney would be considered in one Hearing given that the two distinct matters were linked.

It was noted that Sergeant Mairi Capaldi, Licensing Sergeant, Police Scotland, was in attendance and she was heard in relation to the circumstances outlined in the Police letters which had been submitted to Members in advance of the meeting.

Mr Peter Clyde, Licensing Standards Officer was heard in respect of the Licensing Standards Officer report.

It was noted that Mr David Goodwin, Business Development Manager, Iona Pubs Partnership (IPP) Limited and Catherine Sweeney, Designated Premises Manager, Mountblow Bar were in attendance and were both represented at the Hearing by Mr Stephen McGowan, Partner, TLT Solicitors.

Mr McGowan was then given the opportunity to address the Board in relation to the circumstances detailed in the letters from Police Scotland which had been circulated to Members in advance of the meeting, relating to the Review of Personal Licence for Catherine Sweeney and the Review of Premises Licence in respect of Mountblow Bar. A copy of the latest Licensing Due Diligence checklist and previous

correspondence evidencing IPP Limited's six monthly due diligence checks of the Mountblow Bar were distributed to Members of the Board. Thereafter, Mr McGowan, Mr Goodwin and Ms Sweeney answered questions from Members.

Following consideration of all matters before the Board, Councillor McColl, seconded by Councillor Dickson, moved:-

In respect of the Review of the Premises Licence, the grounds for review of Preventing Crime and Disorder and Securing Public Safety have been established and that no action be taken.

In respect of the Review of the Personal Licence held by Ms Sweeney, the grounds for review of Preventing Public Nuisance and Preventing Crime and Disorder have been established and that a letter be issued to the Personal Licence Holder reminding her of her responsibilities and also warning her about her failure to comply with the licensing objectives of Preventing Public Nuisance and Preventing Crime and Disorder.

As an amendment, Councillor Brown, seconded by Councillor Millar, moved:-

In respect of the Review of the Premises Licence, the grounds for review of Preventing Crime and Disorder and Securing Public Safety have been established and that no action be taken.

In respect of the Review of the Personal Licence held by Ms Sweeney, the grounds for review of Preventing Public Nuisance and Preventing Crime and Disorder have been established and that no action be taken.

On a vote being taken, 3 Members voted for the amendment and 4 for the motion, which was accordingly declared carried.

**DECIDED:-**

- (1) In respect of the Review of the Premises Licence, the grounds for review of Preventing Crime and Disorder and Securing Public Safety had been established and that no action be taken; and
- (2) in respect of the Review of the Personal Licence held by Ms Sweeney, the grounds for review of Preventing Public Nuisance and Preventing Crime and Disorder had been established. It was agreed that a letter be issued to Ms Sweeney reminding her of her responsibilities and also warning her about her failure to comply with the licensing objectives of Preventing Public Nuisance and Preventing Crime and Disorder, be issued to the Personal Licence Holder.

The meeting closed at 1.18 p.m.