

Our Ref: WDLBPREM/0269
Your Ref:
Date: 14 February 2023
E-Mail Address: Lawrence.knighton@west-dunbarton.gov.uk

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

Dear Sir,

**LICENSING (SCOTLAND) ACT 2005: SECTION 36
PREMISES LICENCE REVIEW APPLICATION
PREMISES: 0269 Nicos Nosh, 7 Britannia Way, Clydebank, G81 2AU
PREMISES LICENCE HOLDER: Nicos Nosh Limited, 249 Govan Road, Glasgow,
G51 1HJ**

In terms of section 36 of the Licensing (Scotland) Act 2005 I make application to the Licensing Board for a review of the premises licence in respect of the premises known as Nicos Nosh, Britannia Way, Clydebank.

I make this application in terms of Section 36(3)(a) in 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

This condition requires the holder of a premises licence to make payment of an annual fee to the Licensing Board. For these particular premises the annual fee is £500.

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 Premises Licence holder was notified of the need to pay the annual fee by letter on the 15 August 2022. On 14 October 2022 a reminder letter was sent to the Premises Licence Holder. This letter detailed that the annual fee had not been paid by the due

date and encouraged the Licence Holder to make contact with the Licensing Team to rectify this matter.

Given that the annual fee had not been paid, and that no contact had been made with the Licensing Office, a compliance notice was issued under Section 14 of the 2005 Act on 14th December 2022. This notice specified that the annual fee should be paid not later than 13th January 2023.

An attempt to pay the fee by cheque was made in early January 2023 however this was returned as it is stated in the various written correspondence that as a form of payment the Licensing Team can no longer accept cheques. I subsequently visited to explain the other methods of payment. I was assured that payment had been made subsequently by BACS however the evidence of such payment as requested in the written correspondence has not been provided despite a further visit to the premises to request this. There is no evidence of a BACS payment having been made to date.

Section 14 of the 2005 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, appearing to read 'Lawrence Knighton', with a stylized flourish at the end.

Lawrence Knighton

Licensing Standards Officer