

**MINUTE**  
**of**  
**EAST RENFREWSHIRE LICENSING BOARD**

**Minute of meeting held at 10am in the Council Chamber, Council Headquarters, Eastwood Park, Rouken Glen Road, Giffnock on 8 August 2024**

**Present:** Councillor Paul Edlin (Chair), Councillor Angela Convery, Councillor Andrew Morrison, Provost Mary Montague

**Attending:** Gerry Mahon (Clerk to the Board): PC David Elliott, Police Scotland: Dominic McMahon, Licensing Standards Officer (LSO)

1. **Apologies:** None
2. **Minutes of meeting held on 13 June 2024:** Approved.
3. **Declarations of Interest:** Provost Montague declared an interest in Item 4 (c) below.
4. **Applications under the Licensing (Scotland) Act 2005:-**

a) **Application for Provisional Licence – 38 Seres Road, Clarkston, G76 7QF**

Audrey Junner, solicitor of Messrs Miller Samuel Hill Brown, appeared on behalf of the Applicant and spoke in support of the application. She advised that the premises was a small restaurant and the application sought to provide alcohol ancillary to the sale of food. Alcohol was currently being sold in terms of an occasional licence and this sought to put the permission on a longer term footing. It was noted that an objection had been received from a member of the public based on over provision but there was no objection from the police or licensing standards officer.

There was one objection to the application from the public. Police Scotland and the LSO confirmed Ms Junner's statement that they had no adverse comment in respect of the application. The LSO further noted that the Clarkston area was not deemed as overprovided for in the Board's current policy.

Having considered the application's terms, the Applicant's representations and the objection and having noted that the area in which the Premises were situated was not considered as overprovided, the Board thereafter unanimously agreed to grant the application.

**b) Application for Major Variation – Cava, 227 Fenwick Road, Giffnock, G46 6JG**

Following a request from agents acting on behalf of the Applicant, the Board determined to continue consideration of the application to the next Board meeting.

**c) Application for Major Variation – Stamperland Community and Social Club, 61 Stamperland Hill, Clarkston, G76 8AJ**

Provost Montague excused herself for consideration of the item. There was no appearance on behalf of the Applicant. The Board was satisfied that it had sufficient information available to it to consider the application in absence and unanimously granted the application.

Provost Montague thereafter rejoined the meeting

**d) Application for Transfer of Licence – Ian Brown’s Food and Drink, 55 Eastwoodmains Road, Giffnock, G46 6PW**

The licence transferee appeared in person and was represented by Audrey Junner, Solicitor. The police objected to the transfer on the basis that the transferee was not considered a fit and proper person having had a prior conviction. Miss Junner highlighted that the transferee currently operated 2 other licensed premises in other areas and had a proven track record as a conscientious licensee. She acknowledged that they had made mistakes in their private life but that they were not of such severity or relevance that they should prejudice the transfer also highlighting that conviction had resulted in a community payback order rather than the possible sentence of fine or imprisonment suggestive that the offence had been viewed by the court as being at the lower end of the scale. She also suggested that the nature of the conviction was such that it was difficult to make a connection between it and the licensed role. She further highlighted that her client could have attempted to avoid the issue by resigning as director of the transferee company but this would have been disingenuous.

The Board sought information regarding the transferee’s potential day to day involvement with the premises and the directorship of his company. It was noted that he was currently a sole director and was unlikely to do more than a weekly check on the premises, a day to day manager being employed to fulfil that role.

The Board thereafter adjourned to consider the matter and upon reconvening granted the application by a majority, noting that the LSO would monitor the exercise of the licence and could bring the matter back to the Board for reconsideration should any concerns arise.

Provost Montague left the meeting.

**e) Application for personal licence - Felice Minervini**

Mr Nigel Scullion, Solicitor appeared on behalf of the applicant who was also personally present. He explained that the applicant had come to the UK in 2010 and

had held a personal licence for 10 years thereafter, This application was necessary as his client's previous licence had expired.

Police Scotland objected to the application noting that the applicant had been convicted in 2021 of offences including threatening and abusive behaviour towards police officers who were at the time trying to establish whether he was under the influence of alcohol whilst in control of a vehicle. They noted that as the offences had alcohol as a causal factor it would be contrary to the licensing objectives of securing public safety and preventing crime and disorder to consider grant of the application. In response Mr Scullion advised that his client had struggled mentally during the lockdown period and this had affected his response to the situation. He had subsequently participated in a drink driving rehabilitation scheme and very much regretted his actions. He conceded that his client had completely overreacted to the situation at that time and noted that he had no prior nor subsequent convictions.

The Applicant then spoke to reinforce the impact this one incident had had on his life and suggested that he needed the licence in order to run his restaurant.

The Board noted that the convictions had not been declared by the Applicant on his application and were advised by Mr Scullion that this had been a breakdown in communication and not an attempt to conceal the matter. Following a brief adjournment the Board, having deliberated on the information supplied to it, unanimously refused the application.

- 5. Date of next meeting:** The next meeting was scheduled for 10<sup>th</sup> October 2024.