

ANGUS LICENSING BOARD – 12 MAY 2016

PERSONAL LICENCES – NOTIFICATION OF CONVICTION

REPORT BY SHEONA C HUNTER CLERK TO THE BOARD

ABSTRACT

The purpose of this report is to advise the Board of the notification of conviction received in respect of a Personal Licence holder(s), the confirmation of the conviction from the Chief Constable and his recommendation in respect of that conviction(s), and consider and determine what Order, if any, requires to be made in respect of a Personal Licence(s).

1. RECOMMENDATION

It is recommended that the Board considers the notification of conviction received for a Personal Licence holder(s), the confirmation of the conviction from the Chief Constable, the recommendation in respect of that conviction, and determines what Order, if any, requires to be made in respect of a Personal Licence(s) in terms of one of the following options:-

- (a) revoke the Personal Licence held by the licence holder concerned;
- (b) suspend for such period, not exceeding 6 months, as the Board considers appropriate, or
- (c) endorse the Personal Licence held by the licence holder concerned.

2. BACKGROUND

The Chief Constable has confirmed the existence of the conviction, and recommended that, having regard to the conviction, it is necessary for the purpose of the securing public safety objective that the holder's personal licence should be endorsed.

Therefore, and in accordance with Section 83 of the Licensing (Scotland) Act 2005, the Board is required to hold a hearing. At that hearing, the Board may, having regard to the conviction and the recommendation of the Chief Constable, after giving the Personal Licence holder concerned and such other persons as they consider appropriate, an opportunity to be heard, and if satisfied that it is necessary to do so for the purposes of any of the licensing objectives, make one of the following Orders:-

- (a) revoke the Personal Licence held by the licence holder concerned;
- (b) suspend for such period, not exceeding 6 months, as the Board considers appropriate, or
- (c) endorse the Personal Licence held by the licence holder concerned.

3. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

4. HUMAN RIGHTS IMPLICATIONS

In dealing with the applications as set out in this report, the Board will have regard to any human rights issues in relation to the applicants.

5. EQUALITIES IMPLICATIONS

The issues contained in this Report fall within an approved category that has been confirmed as exempt from an equalities perspective

6. NOTIFICATION

The applicant(s) has been notified of the terms of this Report. They have also been advised of their entitlement to attend the Board should they wish.

7. CONSULTATION

The Divisional Commander, Tayside Division of Police Scotland has been consulted in the preparation of this report.

**SHEONA C HUNTER
CLERK TO THE LICENSING BOARD**

NOTE: No background papers were relied on to a material extent in preparing the above report.

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(a) PERSONAL LICENCE HOLDER - BARBARA MEECHAN

The Clerk became aware that Barbara Meechan, who is the holder of a Personal Licence, was convicted of a relevant offence or a foreign offence. Notice of the conviction was given to the Chief Constable on 10 March 2016.

The hearing was deferred at the meeting of the Angus Licensing Board on 31 March 2016 due to the non-attendance of the personal licence holder.

Correspondence was delivered by Royal Mail on 8 January, 26 January, 21 March and 6 April 2016.

Ms Meechan has not returned her Personal Licence.

The Chief Constable's response to the notice of conviction shall be circulated to members prior to the meeting.

(b) PERSONAL LICENCE HOLDER – GAIL SMITH

The Clerk received notification of a conviction on 1 March 2016 from Gail Smith, who is the holder of a Personal Licence. Notice of the conviction was given to the Chief Constable on 2 March 2016.

The hearing was deferred at the meeting of the Angus Licensing Board on 31 March 2016 due to the non-attendance of the personal licence holder.

Ms Smith has returned her Personal Licence.

The Chief Constable's response to the notice of conviction shall be circulated to members prior to the meeting.