

ANGUS LICENSING BOARD – 14 MAY 2015

PERSONAL LICENCES – NON DELEGATED

REPORT BY SHEONA C HUNTER CLERK TO THE BOARD

ABSTRACT

The purpose of this report is to advise members of applications for personal licences under the Licensing (Scotland) Act 2005 which require to be determined by the Board as a formal notice has been received from the Divisional Commander, Tayside Division of Police Scotland.

1. RECOMMENDATION

It is recommended that the board consider and determine the application(s) for a Personal Licence(s) as detailed in the attached Appendix, in terms of one of the following options:-

- (i) to grant the application;
- (ii) to defer the application to the next Licensing Board;
- (iii) to refuse the application on the grounds that it is necessary for the purposes of the crime prevention objective that the Personal Licence application is refused.

2. BACKGROUND

The clerk has received under the Licensing (Scotland) Act 2005 a Personal Licence application which requires to be determined by the board. The applicant has confirmed that he: -

- (i) is over the age of 18;
- (ii) possesses a licensing qualification;
- (iii) has not had a Personal Licence revoked within the last 5 years.

In terms of section 73 of the Licensing (Scotland) Act 2005 the board must consult on each application with the appropriate Divisional Commander and, within 21 days, the Divisional Commander must respond by giving the board one of the following notices:-

- (i) a notice stating that, as far as the Divisional Commander is aware, the applicant has not been convicted of any relevant offence or foreign offence.
- (ii) a notice specifying any convictions of the applicant for any such offence.

The terms “relevant offence or “foreign offence” are defined in the Act.

3. FINANCIAL IMPLICATIONS

There are no financial implications arising from this Report.

4. LEGAL IMPLICATIONS

The application(s) detailed in the attached Appendix has been consulted upon with the Divisional Commander and a notice specifying convictions has been received. Details of the convictions are contained in the relevant appendix.

The board must have regard to the Divisional Commander's notice and:-

- (i) if satisfied that it is necessary for the purposes of the crime prevention objective, refuse the application; or
- (ii) if not so satisfied grant the application.

Members are requested to consider the notice and determine the application.

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(a) ADAM, MANN, 37 FRUITHILL, FORFAR, DD8 1BX

An application for a personal licence was received on 24 February 2015 from Adam Mann, 37 Fruithill, Forfar, DD8 1BX

Police Scotland submitted a letter dated 23 March 2015. This reply was received outwith the time stipulated. A notice of objection or representation was required to have been received no later than 16 March 2015 and this representation has therefore been **received late**.

Where a Board considers that there are good reasons not to treat an objection or representation as not made despite its being entitled to do so, the Board is to consider whether it is in the interest of justice to postpone or adjourn the hearing at which the application in question is to be determined.

The Board is asked to determine this application in accordance with Section 1 of the Report.