

ANGUS LICENSING BOARD – 10 AUGUST 2017

PERSONAL LICENCE – NOTICE OF CONVICTION

REPORT BY THE CLERK

ABSTRACT

The purpose of this report is to advise the Board of correspondence received giving notice of a conviction in terms of section 83(4)(b) of the Licensing (Scotland) Act 2005 in respect of a Personal Licence Holder.

1. RECOMMENDATION

It is recommended that the Board considers the correspondence received from the Chief Constable giving notice of the conviction and determine whether, in terms of section 83(7A), to :-

(a) hold a hearing; or

(b) decide to take no further action in relation to the conviction.

2. BACKGROUND

The Clerk has received correspondence from the Chief Constable giving notice of a conviction in terms of section 83(4)(b) of the Licensing (Scotland) Act 2005 in respect of a Personal Licence Holder. **A copy of that correspondence shall be circulated to members prior to the meeting.**

In terms of section 83(7A) of the Licensing (Scotland) Act 2005, the Board requires to determine whether to hold a hearing or take no further action in relation to the conviction.

3. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

4. HUMAN RIGHTS IMPLICATIONS

In dealing with the application as set out in this report, the Board will have regard to any human rights issues in relation to the Personal Licence Holder.

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 Personal Licence Holder has been written to advising that a notice of conviction has been received. Should the Board decide to hold a hearing at a future date, the Personal Licence Holder will be advised of their entitlement to attend the Board should they wish.

APPENDIX TO REPORT NO LB 34/17
ANGUS LICENSING BOARD – 10 AUGUST 2017

(a) PERSONAL LICENCE HOLDER AN/1244 – CAROL READ

The Clerk received notification of a conviction of a relevant offence or a foreign offence from the Chief Constable on 2 June 2017, regarding Carol Read, who is the holder of a Personal Licence.

Section 82 of the Licensing (Scotland) Act 2005 requires the licence holder must, no later than one month after the date of the conviction, give notice of the conviction to the Licensing Board.

Correspondence was sent by Royal Mail on 4 July 2017 requesting confirmation of the notice and for the Personal Licence to be returned to the Clerk to the Licensing Board.

Ms Read has not provided, as yet, notice of the conviction and 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.