

ANGUS LICENSING BOARD – 14 SEPTEMBER 2017

NEW PERSONAL LICENCE APPLICATION – 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 73(3)(b) of the Licensing (Scotland) Act 2005 ("the Act") in respect of a new application for a personal licence.

1. RECOMMENDATION

It is recommended that the Board considers the correspondence received from the Chief Constable giving notice of conviction and determines whether:-

- (a) in terms of section 74(5A), to hold a hearing for the purpose of considering and determining the application; or
- (b) in terms of section 74(5B), to grant the application.

2. BACKGROUND

The Clerk has received correspondence from the Chief Constable giving notice of conviction in terms of section 73(3)(b) of the Act in respect of a new application for a personal licence. **A copy of that correspondence shall be circulated to members in advance of the meeting.**

Section 74(2) of the Act determines that an application for a personal licence should be granted if:

- (i) all of the conditions of section 74(3) are met;
- (ii) that the Board has received a notice from the Chief Constable that states the applicant has not been convicted of any relevant offence or foreign offence;
- (iii) the notice does not include a recommendation that it is necessary, for the purposes of any of the licensing objectives, that the application be refused;
- (iv) no further information has been provided by the Chief Constable;
- (v) the applicant has signed the application; and
- (vi) the applicant has not previously held an expired or surrendered personal licence.

In terms of section 74(3), the Applicant must:

- (i) be aged 18 or over;
- (ii) possesses a licensing qualification;
- (iii) does not already hold a personal licence: and
- (iv) has not had a personal licence revoked within the period of 5 years ending on the day when the application was received.

Notice having been In terms of section 73(3) (b) of the Act, the Board requires to determine whether to hold a hearing or whether, in terms of section 74(5B), the application should be granted.

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 Applicant.

5. NOTIFICATION

Should the Board decide to hold a hearing at a future date; the Applicant will be advised of their entitlement to attend the Board should they wish.

REPORT AUTHOR: Tina Magson, Solicitor
E-MAIL: LEGDEM@angus.gov.uk

(a) APPLICATION FOR A PERSONAL LICENCE – CHLOE MCGREGOR

Having received an application dated 14 June 2017 for a Personal Licence from Chloe McGregor, the application was sent for consultation.

The Clerk received a notice of a conviction of a relevant offence from the Chief Constable on 7 July 2017. The Chief Constable's response shall be circulated to members prior to the meeting.

The Committee is asked to note that no convictions were declared by the Applicant on her application form.

No comments have been received from the Licensing Standards Officer.