

**ANGUS LICENSING BOARD – 2 NOVEMBER 2017**

**CURRENT PERSONAL LICENCE – NOTICE OF CONVICTION**

**REPORT BY THE CLERK**

**ABSTRACT**

Having decided to hold a hearing in terms of section 83(7A)(a) of the Licensing (Scotland) Act 2005 at the meeting of the Board on 10 August 2017, the purpose of this report is to consider the notice received from the Chief Constable of a relevant offence in terms of section 83(4)(b) of the 2005 Act 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:-

- (a) having had regard to the conviction, and
- (b) after giving (i) the licence holder concerned; and (ii) the Chief Constable, an opportunity to be heard, and
- (c) if satisfied that it is necessary to do so for the purposes of any of the licensing objectives, make an order revoking, suspending for such period, not exceeding 6 months, as the Board considers appropriate, or endorsing, the personal licence held by the licence holder concerned;
- (d) if, at the hearing, the Licensing Board are satisfied that, having regard to the licensing objectives, the licence holder is not a fit and proper person to be the holder of a personal licence, the Board must make an order revoking the licence.

**2. BACKGROUND**

The Clerk has received correspondence from the Chief Constable giving notice of conviction of a relevant offence 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 in advance of the meeting.**

Having determined, when the Board met on 10 August 2017, to hold a hearing in terms of section 83(7A)(a) of the Licensing (Scotland) Act 2005 and having deferred the hearing on 14 September 2017 to allow the Personal Licence Holder a further opportunity to attend, the Board requires to determine now, if necessary to do so for the purposes of the licensing objectives, whether to make an order revoking, suspending for a period not exceeding 6 months or endorsing the personal licence, giving reasons for this decision.

If at the hearing the Board is satisfied, having regard to the licensing objectives, that the licence holder is not a fit and proper person to be the holder of a personal licence, the Board must make an order revoking the licence.

**3. FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

**4. HUMAN RIGHTS IMPLICATIONS**

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

**5. NOTIFICATION**

The Personal Licence Holder has been written to at their last known address and advised of their entitlement to attend the Board should they wish. However, correspondence has been returned giving the reason as “addressee has gone away”.

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**APPENDIX TO REPORT NO LB52/17**

**ANGUS LICENSING BOARD – 2 NOVEMBER 2017**

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

The Clerk received notification of a conviction of a relevant 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 that 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 to the last known address for Ms Read requesting confirmation of the notice and for the licence to be returned to the Clerk to the Licensing Board on 4 July 2017. The correspondence was returned by Royal Mail.

Correspondence inviting Ms Read to the meeting of the Board on 14 September 2017 and, separately, advising of the decision of the Board to defer, has also been returned by Royal Mail.

Section 88(1) of the Licensing (Scotland) Act 2005 requires that the holder of a Personal Licence must, no later than one month after any change in the licence holder's name or address, give the Licensing Board which issued the licence notice of the change.

The Chief Constable's letter shall be circulated to members prior to the meeting.