

ANGUS LICENSING BOARD – 14 FEBRUARY 2019

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

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.

(a) PERSONAL LICENCE HOLDER AN/720 – MARC SIVEWRIGHT

The Clerk received notification of a conviction on 16 December 2018 from Marc Sivewright, who is the holder of a Personal Licence. Notice of the conviction was given to the Chief Constable on 14 January 2019.

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.

Chief Constable's response to the notice of conviction was received on 23 January 2019, a copy of which is attached.