

SPECIAL ANGUS LICENSING BOARD – 4 MARCH 2019

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 14 February 2019, 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 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 14 February 2019, to hold a hearing in terms of section 83(7A)(a) of the Licensing (Scotland) Act 2005, 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. 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 and advised of their entitlement to attend the Board should they wish.

REPORT AUTHOR: Nannette Page, Senior Solicitor/Team Leader

E-MAIL: LAWlicensing@angus.gov.uk

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

The Clerk received notification of a conviction from personal licence holder Marc John Sivewright on 16 December 2018.

The clerk gave notice of the conviction to the Chief Constable, Police Scotland on 14 January 2019.

The clerk subsequently received a notice (by way of letter) from the Chief Constable, Police Scotland, on 23 January 2019 confirming the existence of the conviction and that it related to a relevant offence.

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

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

The aforesaid Marc John Sivewright was convicted on 27 January 2017 but did not notify the clerk until 16 December 2018.