

SPECIAL ANGUS LICENSING BOARD – 12 DECEMBER 2022

PERSONAL LICENCE – NOTICE OF CONVICTION

REPORT BY THE CLERK

ABSTRACT

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

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 licence holder with respect to a relevant conviction. The Clerk received notice from the Chief Constable confirming the conviction, in terms of section 83(4)(b) of the Licensing (Scotland) Act 2005.

In terms of section 83(7A) of the Licensing (Scotland) Act 2005, if the Licensing Board receive from the Chief Constable a notice under subsection (4)(b) which does not include a recommendation under subsection (5), the Licensing Board must hold a hearing, or decide to take no further action in relation to the conviction. The notices received from the Chief Constable do not include a recommendation.

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.

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(a) PERSONAL LICENCE HOLDER - DAVID HARPER

The Clerk received an email from Mr Harper dated 2 November 2022 confirming that he had received a conviction.

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

The Chief Constable's notice of conviction in terms of section 83(4)(b) dated 7 November 2022 does not include a recommendation. **It shall be circulated to members prior to the meeting.**

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(b) PERSONAL LICENCE HOLDER - EDEN HARRISON SINCLAIR

The Clerk received an email from Police Scotland on 4 November 2022 enquiring whether Eden Harrison Sinclair, who is a Personal Licence holder, had declared a conviction from 23 August 2022.

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

A recorded delivery letter dated 4 November 2022 was posted to Mr Sinclair requesting he specify to us the nature of the offence and the date of the conviction.

Mr Sinclair provided notification of a conviction by email on 13 November 2022.

The Chief Constable's notice of conviction dated 25 November 2022 does not include a recommendation. **It shall be circulated to members prior to the meeting.**