

ANGUS LICENSING BOARD – 14 JUNE 2012

PERSONAL LICENCE – NOTIFICATION OF CONVICTION

REPORT BY THE CLERK

ABSTRACT

The purpose of this report is to advise the Board of the notification of conviction received in respect of a Personal Licence holder, the confirmation of the conviction from the Chief Constable and her recommendation in respect of that conviction, and consider and determine what Order, if any, requires to be made in respect of a Personal Licence.

1. RECOMMENDATION

It is recommended that the Board considers the notification of conviction received from a Personal Licence holder, the confirmation of the conviction from the Chief Constable, her recommendation in respect of that conviction, and determines what Order, if any, requires to be made in respect of a Personal Licence in terms of one of the following options:-

- (a) revoke the Personal Licence held by the licence holder concerned;
- (b) suspend for such period, not exceeding 6 months, as the Board considers appropriate, or
- (c) endorse the Personal Licence held by the licence holder concerned.

2. BACKGROUND

The Clerk received a notification of conviction on 26 April 2012 from Ms Lorraine Simpson who is the holder of a Personal Licence and her letter shall be circulated at the meeting. A letter was sent to the Chief Constable on 2 May 2012 requesting that he confirm within 21 days if the conviction related to a relevant offence. The Chief Constable's reply was received on 24 May 2012 which was outwith the time stipulated.

In accordance with section 135 of the Licensing (Scotland) Act 2005, the Licensing Board may relieve any applicant or other party to the proceedings before the Board of any failure to comply with any procedural provision if -

- (a) the failure is due to mistake, oversight or other excusable cause, and
- (b) the Board considers it appropriate in all circumstances to relieve the failure

Where a Board exercises this power then the Board may make such order as appears necessary or expedient to enable the proceedings to continue as if the failure had not occurred.

The Chief Constable has confirmed that the conviction related to a relevant offence. Therefore, and in accordance with Section 83 of the Licensing (Scotland) Act 2005, the Board is required to hold a hearing. At that hearing, the Board may, having regard to the conviction and the recommendation of the Chief Constable, after giving the Personal Licence holder concerned and such other persons as they consider appropriate, an opportunity to be heard, and if satisfied that it is necessary to do so for the purposes of any of the crime prevention objective, make one of the following Orders:-

- (a) revoke the Personal Licence held by the licence holder concerned;
- (b) suspend for such period, not exceeding 6 months, as the Board considers appropriate, or
- (c) endorse the Personal Licence held by the licence holder concerned.

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 applicants.

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. CONSULTATION

The Head of Finance, Director of Infrastructure Services and Chief Constable have been consulted in the preparation of this report.

**SHEONA C HUNTER
CLERK TO THE LICENSING BOARD**

NOTE: No background papers were relied on to a material extent in preparing the above report.