

ANGUS LICENSING BOARD – 16 AUGUST 2012

PERSONAL LICENCES – NON DELEGATED

REPORT BY THE CLERK

ABSTRACT

The purpose of this report is to advise members of applications for personal licences under the Licensing (Scotland) Act 2005 which require to be determined by the board as a formal notice has been received from the Chief Constable.

1. RECOMMENDATION

It is recommended that the board consider and determine the application(s) for a Personal Licence(s) as detailed in the attached **Appendix**, in terms of one of the following options:-

- (i) to grant the application;
- (ii) to defer the application to the next Licensing Board;
- (iii) to refuse the application on the grounds that it is necessary for the purposes of the crime prevention objective that the Personal Licence application is refused.

2. BACKGROUND

The clerk has received under the Licensing (Scotland) Act 2005 a Personal Licence application which requires to be determined by the board. The applicant has confirmed that he: -

- (i) is over the age of 18;
- (ii) possesses a licensing qualification;
- (iii) has not had a Personal Licence revoked within the last 5 years.

In terms of section 73 of the Licensing (Scotland) Act 2005 the board must consult on each application with the appropriate Chief Constable and, within 21 days, the Chief Constable must respond by giving the board one of the following notices:-

- (i) a notice stating that, as far as the Chief Constable is aware, the applicant has not been convicted of any relevant offence or foreign offence.
- (ii) a notice specifying any convictions of the applicant for any such offence.

The terms "relevant offence or "foreign offence" are defined in the Act.

3. LEGAL IMPLICATIONS

The application(s) detailed in the attached **Appendix** has been consulted upon with the Chief Constable and a notice specifying convictions has been received. Details of the convictions are contained in the relevant appendix.

The board must have regard to the Chief Constable's notice and:-

- (i) if satisfied that it is necessary for the purposes of the crime prevention objective, refuse the application; or
- (ii) if not so satisfied grant the application.

Members are requested to consider the notice and determine the application.

4. FINANCIAL IMPLICATIONS

There are no financial implications arising from this Report.

5. 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.

6. EQUALITIES IMPLICATIONS

The issues contained in this Report fall within an approved category that has been confirmed as exempt from an equalities perspective.

7. CONSULTATION

The Head of Finance and the Chief Constable of Tayside Police have been consulted in the preparation of this Report.

8. NOTIFICATION

The applicant has been notified of the terms of this Report. He has also been advised of his entitlement to attend the board if he should so wish.

SHEONA C HUNTER
Clerk to the Licensing Board

L&A/SCH/LD

**APPENDIX TO REPORT LB 37/12
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(1) HENRY RAEBURN CRUICKSHANK

An application for a personal licence was received on 2 May 2012 from Henry Raeburn Cruickshank, 8a Commerce Street, Montrose, DD10 8BN.

Tayside Police submitted a letter dated 21 May 2012 which shall be circulated at the meeting.

The Board is asked to determine this application in accordance with Section 1 of the Report.

(2) GRAEME JAMES GORDON

An application for a personal licence was received on 1 June 2012 from for Graeme James Gordon, Dunella Cottage, Newbigging Road, Tealing, Dundee, DD4 0QX.

Tayside Police submitted a letter dated 19 June 2012 which shall be circulated at the meeting.

The Board is asked to determine this application in accordance with Section 1 of the Report.

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(3) BRYAN TAVENDALE

An application for a personal licence was received on 21 June 2012 from for Bryan Tavendale, Monifieth Farm Brewers Fayre, Ethiebeaton Park, Monifieth, Dundee, DD5 4HB.

Tayside Police submitted a letter dated 4 July 2012 which shall be circulated at the meeting.

The Board is asked to determine this application in accordance with Section 1 of the Report.