

The Highland Licensing Board

Meeting – 29 March 2016

Agenda Item	10.1
Report No	HLB/030/16

Hearing to consider notification of conviction
Personal licence holder: Jose Leon Cabral Bellido

Report by the Clerk to the Licensing Board

Summary

This Report relates to a hearing under Section 83 of the Licensing (Scotland) Act 2005 following notification of a conviction received from Police Scotland relating to Jose L C Bellido who is the holder of a personal licence (HC/RSL/L/3846).

1. Background

1.1 A personal licence is required to allow any individual to supervise or authorise the sale of alcohol.

1.2 Mr Bellido was granted a personal licence on 20 September 2013 and, subject to the terms of the Act, the licence will expire on 19 September 2023.

Mr Bellido is currently the designated premises manager at Allt Nan Ros Hotel, Onich.

1.3 In terms of Section 83 of the above Act, Police Scotland have notified the Licensing Board by letter dated 11 February 2016 that personal licence holder, Mr Jose Bellido, was convicted of a relevant offence on 5 January 2016. A copy of this letter is attached.

The Police have requested that the matter be brought to the attention of the Licensing Board.

In terms of Section 82 of the above Act, the holder of a personal licence is required, not later than one month after the date of conviction, to give notice of the conviction to the Licensing Board. Mr Bellido failed to comply with this requirement.

1.4 The personal licence holder, Mr Jose Bellido and a representative from Police Scotland have been invited to attend the hearing. Both have been advised of the hearings procedure which will be followed at the meeting and which may also be viewed via the following link:

http://www.highland.gov.uk/downloads/download/428/liquor_licence_objections_appeals_notices_of_determination

2. Legal Position

- 2.1 The Board may have regard only to “relevant” convictions. These relevant convictions are identified in the Licensing (Relevant Offences) Scotland Regulations 2007. Police Scotland have confirmed that the licence holder’s conviction is a relevant conviction.
- 2.2 In terms of Section 83(9) of the abovementioned Act, the Board may, having regard to the conviction and after giving the licence holder concerned and a representative from Police Scotland an opportunity to be heard, and if satisfied that it is necessary to do so for the purposes of any of the licensing objectives, make an order –
- (a) revoking the personal licence held by the licence holder concerned,
 - (b) suspending the personal licence for such period, not exceeding 6 months, as the Board considers appropriate, or
 - (c) endorsing the personal licence.

The Board may also decide to make no order if satisfied that an order is not necessary for the purposes of any of the licensing objectives.

Recommendation

The Board is invited to hear from the representative of Police Scotland and from the personal licence holder and then to determine whether to make any order revoking, suspending or endorsing the personal licence.

Reference: HC/RSL/L/3846

Date: 19 February 2016

Author: AMK/JT

Appendices: Appendix 1 - Letter from Police Scotland dated 11 February 2016

11th February 2016

Your Ref: HC/RSL/L/3846
Our Ref: NP/13475/15

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15 FEB 2016



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Dear Sir

**HIGHLAND LICENSING BOARD – ROSS, SKYE AND LOCHABER
NOTIFICATION OF CONVICTION
CONVICTED PERSON: JOSE LEON CABRAL-BELLIDO
PERSONAL LICENCE HOLDER: HC/RSL/L/3846
OFFENCE: ROAD TRAFFIC ACT 1988 SEC 5 (1)(A)**

I refer to Jose Leon Cabral-Bellido, a personal licence holder, who has recently been convicted of a relevant offence.

On 5th January 2016 Mr Bellido was convicted at Fort William Sheriff Court where he was fined £600 and disqualified from driving for 12 months.

After consultation with Highland Council I am led to believe that, to date, Mr Bellido has not notified the Licensing Board of his conviction.

Mr Bellido has failed to comply with the terms of the Licensing (Scotland) Act 2005 Section 82 (2) and (5); as such enquiry will be progressed by local officers in this regard. It is requested this matter be brought to the attention of the licensing board for action as they deem appropriate.

Yours sincerely

Mairi MacInnes
Chief Inspector
Divisional Co-ordination Unit