

The Highland Licensing Board

Meeting – 10 May 2016

Agenda Item	10.1
Report No	HLB/042/16

Hearing to consider notification of conviction Personal licence holder – Daniel James Campbell

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 Daniel James Campbell who is the holder of a personal licence (HC/11/1214).

1. Background

- 1.1 A personal licence is required to allow any individual to supervise or authorise the sale of alcohol.
- 1.2 Daniel James Campbell was granted a personal licence on 4 May 2011 and, subject to the terms of the Act, the licence will expire on 3 May 2021.
- 1.3 In terms of Section 83 of the above Act, Police Scotland have notified the Licensing Board by letter dated 6 April 2016 that personal licence holder, Daniel James Campbell, was convicted of a relevant offence on 16 May 2012. A copy of this letter is attached (appendix 1).

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. Daniel James Campbell has failed to with this requirement. Notification was received on 23 March 2016.

- 1.4 The personal licence holder, Daniel James Campbell 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/INBS/PERS/11/1214

Date: 19 April 2016

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Appendices: Appendix 1 - Letter from Police Scotland dated 6 April 2016