

SPECIAL ANGUS LICENSING BOARD – 19 DECEMBER 2024

PREMISES LICENCE – NOTICE OF CONVICTION

REPORT BY THE CLERK

ABSTRACT

The purpose of this report is to advise the Board of correspondence in relation to a premises licence received by the Clerk giving notification of a conviction.

1. RECOMMENDATION

It is recommended that the Board:

- (a) notes the correspondence received from the Premises Licence Holder giving notice of the conviction;
- (b) notes the notices received from the Chief Constable in terms of section 44(4)(a); and
- (c) notes that the Board may not take further action in relation to the conviction in accordance with section 44(6).

2. BACKGROUND

The Clerk received correspondence from the Licence holder under Section 43 of the Licensing (Scotland) Act 2005 notifying that they had been convicted of an offence. The Clerk intimated this to the Chief Constable. The Chief Constable responded with a notice in terms of section 44(4)(a) of the Act.

3. LEGAL

In terms of section 43 of the Licensing (Scotland) Act 2005 the Premises Licence holder and, where the holder of the premises licence is neither an individual nor a council, or the premises in respect of which such a licence is held are used wholly or mainly for the purposes of a club, any connected person, has a duty to notify the Licensing Board of the conviction of a relevant or foreign offence, no later than one month after the date of the conviction.

3.1 Having received such notification, the Licensing Board must give notice of the conviction to the Chief Constable. The Chief Constable must then respond with a notice in terms of section 44(4) of the Licensing (Scotland) Act 2005 either: -

- (a) stating that the chief constable is unable to confirm the existence of the conviction or that the conviction does not relate to a relevant or foreign offence, or
- (b) confirming the existence of the conviction and that it relates to a relevant or foreign offence.

3.2 Where the Licensing Board receives from the Chief Constable a notice under section 44(4)(a) the Licensing Board may not take any further action in relation to the conviction.

4. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

5. 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.

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. NOTIFICATION

Notification has been provided to the licence holder of this report.

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(a) **PREMISES LICENCES – (LIC NO 352) ASDA STORE, ST JAMES ROAD, FORFAR, DD8 2ZP and (LIC NO 353) ASDA STORE, WESTWAY RETAIL PARK, ARBROATH, DD11 2NQ**

The Clerk received an email from, Gosschalks LLP, agents for Asda Stores Limited dated 11 November 2024 notifying that Asda Stores Limited had been convicted of eleven offences contrary to the regulation 19 of the Food Safety and Hygiene (England) Regulations 2013. **A copy of the letter will be circulated to members prior to the meeting.**

Section 43 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.

In terms of s44 of the 2005 Act, the Clerk notified the Chief Constable of the convictions. The Chief Constable's responses dated 19 November 2024 are notices in terms of section 44(4)(a), which confirms he is unable to confirm the existence of the conviction, or the conviction does not relate to a relevant offence or foreign offence in respect of the licence holder. **A copy of these letters will be circulated to members prior to the meeting.**