



**East Dunbartonshire Council**

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17 September 2007

Criminal Law & Licensing Division  
Criminal Justice Directorate  
Scottish Executive  
GW 14  
St Andrews House  
EDINBURGH  
EH1 3DG

Dear Sirs

**LICENSING (SCOTLAND) ACT 2005 – CONSULTATION – RELEVANT OFFENCES**

I refer to the consultation document relative to the above.

East Dunbartonshire Licensing Board's response to the various questions posed in the consultation document is as follows:-

- (a) the offences listed in the draft regulations are appropriate; the author of this letter has been involved in Licensing Board matters for fifteen years and the offences listed in the draft regulations far exceed any which have ever been brought before Boards he has been involved with in connection with an applicant's/licensee's fitness to hold a licence; it is difficult to think of any further offences which should be added to those already listed in the draft regulations;
- (b) the offences listed in the draft regulations should be a relevant offence after only one conviction rather than an accumulation of convictions; a single conviction for any offence could be so serious as to cause grave doubts about the offender's fitness to obtain/continue to hold a licence; if a single conviction were not to amount to a relevant offence, this could lead to the offender obtaining/continuing to hold a licence despite being convicted of an offence which is serious enough to strike at his fitness to hold the licence;

- (c) convictions for attempts at the crimes listed in the draft regulations should be added as relevant offences; an attempt to commit a crime can have as much adverse effect on a person's fitness to hold a licence as the actual commission of the crime;
- (d) offences of aiding and abetting, counselling, procuring and inciting any of the offences listed in the draft regulations should also be relevant offences; as in (c) above, these activities can have as much adverse effect on a person's fitness to hold a licence as the actual commission of the crime.

I hope this response will be of interest to you. Your respondent information form (Annex A) is attached.

Yours faithfully

A handwritten signature in black ink, appearing to read 'A. Crighton', written in a cursive style.

**ALISTAIR CRIGHTON**  
**DEPUTE CLERK OF THE LICENSING BOARD**

## ANNEX A

### RESPONDENT INFORMATION FORM: LICENSING (SCOTLAND) ACT 2005 – RELEVANT OFFENCES - CONSULTATION ON DRAFT REGULATIONS

Please complete the details below and return it with your response. This will help ensure we handle your response appropriately. Thank you for your help.

Name: East Dunbartonshire Licensing Board

Postal Address: Tom Johnston House, Civic Way, Kirkintilloch G66 4TJ

1. Are you responding: (please tick one box)
- (a) as an individual  go to Q2a/b and then Q4
- (b) **on behalf of a group/organisation**  go to Q3 and then Q4

#### INDIVIDUALS

- 2a. Do you agree to your response being made available to the public (in Scottish Executive library and/or on the Scottish Executive website)?

Yes (go to 2b below)

No, not at all  We will treat your response as confidential

- 2b. **Where confidentiality is not requested**, we will make your response available to the public on the following basis (**please tick one** of the following boxes)

Yes, make my response, name and address all available

Yes, make my response available, but not my name or address

Yes, make my response and name available, but not my address

#### ON BEHALF OF GROUPS OR ORGANISATIONS:

- 3 The name and address of your organisation **will be** made available to the public (in the Scottish Executive library and/or on the Scottish Executive website). Are you also content for your **response** to be made available?

Yes

No  We will treat your response as confidential

#### SHARING RESPONSES/FUTURE ENGAGEMENT

- 4 We will share your response internally with other Scottish Executive policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for the Scottish Executive to contact you again in the future in relation to this consultation response?

Yes

No