

SHETLAND ISLANDS AREA LICENSING BOARD

13 September 2013

Hearing for a Personal Licence Holder (section 83)

1. Summary

Robert Burns Boston, a personal licence holder, has notified the Licensing Board that he has been convicted of a relevant offence. The Licensing Board is asked to make a decision on whether to:-

- take no action; or
- having regard to the conviction, consider whether it is necessary to endorse, suspend or revoke the Personal Licence of the said Robert Burns Boston in terms of section 83 of the Licensing (Scotland) Act 2005, for the purposes of crime prevention.

2. Detail

- 2.1 On 28 July 2009 Robert Burns Boston applied for a personal licence, which, as he met the criteria at that time, was granted under the delegated procedure on 20 August 2009.
- 2.2 On 24 July 2013 Mr Boston wrote to the Shetland Islands Area Licensing Board the letter, which is produced as Appendix One hereto, and informed the Board that he had been convicted of a drink-driving offence.
- 2.3 The Depute Clerk gave notice of the conviction to the Police and requested details of the conviction to allow the Board to decide whether any action was necessary.
- 2.4 On 1 August 2013 the Police Service of Scotland ("Police Scotland") confirmed that Mr Boston had been convicted in Lerwick Sheriff Court on 11 July 2013 of a contravention of Section 5(1)(a) of the Road Traffic Act 1988 for driving a motor vehicle with an alcohol concentration above the prescribed limit. This is a relevant offence for the purposes of the Licensing (Scotland) Act 2005.
- 2.5 Police Scotland may, where it considers that, having regard to the conviction, it is necessary for the purposes of the crime prevention objective, make a recommendation that the licence holder's personal licence should be revoked, suspended or endorsed. Police Scotland has not made such a recommendation.

3. Conclusion

- 3.1 Mr Boston is a personal licence holder. He has committed a relevant offence for the purposes of the Licensing (Scotland) Act 2005. The Board must consider what action, if any, it wishes to take in respect of this conviction. The options available to the Board are to endorse, suspend or revoke Mr Boston's Personal Licence. In doing so the Board must take into account the terms of the licensing objective of crime prevention.

Assistant Clerk to the Licensing Board

Ref: SI/LIQ/197 DKA

26 August 2013

Robert B Boston
6 Carlton Place
Lerwick
Shetland
ZE1 0NL

24th July 2013

The Chairman
Shetland Islands Area Licensing Board
Legal and Administration
Executive Services Department
4 Market Street
Lerwick
Shetland
ZE1 0JN

Dear Sirs

Personal Licence Number SI/LIQ/197

Under Section 82 of the Licencing Scotland Act 2007, I have a duty to inform the board that I was convicted of drink driving on 11th July 2013.

The circumstances were that I was returning to the house on Saturday afternoon, and noticed a letter under the windscreen wiper which instructed that the vehicle had to be removed because of a Cycle Event which was to take place in the evening. I got into the car and moved it, and discovered that the road was cordoned off at each end, and while I was still in the car a policeman came along and breathalysed me. There is no excuse for drink driving, and for that I am sorry. When I appeared in Court the Sheriff commented that given the circumstances he would give me the minimum permitted sentence, which was 12 month ban and £400 fine, with a chance to reduce the 12 month ban to 9 months.

I enclose the endorsement sheet for my Personal Licence. As I am still Secretary of the Royal British Legion Lerwick Branch I would like to keep my Personal Licence, and await your decision.

Yours faithfully

Robert Burns Boston

RECEIVED

25 JUL 2013

SB 102604

