

The Highland Licensing Board

Agenda Item	13.1
Report No	HLB/108/14

Meeting - 12 August 2014

Application for section 33 transfer of Premises Licence The Winking Owl, 123 Grampian Road, Aviemore PH22 1PA Report by the Clerk of the Licensing Board

Summary

A section 33(6)(b) Notice has been received from the Chief Inspector Police Scotland in response to a section 33 transfer of Premises Licence application.

This Report explains the procedure which must be followed and the Board's powers under section 33(10).

1. Background

- 1.1 An application for a section 33 transfer of premises licence has been received from the applicant's solicitors, Harper Macleod, LLP, The C'a'doro, 45 Gordon Street, Glasgow G1 3PE on behalf of the current licence holder LT Pub Management plc, 31 Haverscroft Industrial Estate, New Road, Attleborough NR17 1YE . The application seeks to transfer the licence to Cairngorm Brewery Co Ltd, 12 Dalfaber Industrial Estate, Dalfaber Drive, Aviemore PH22 1ST.
- 1.2 A notice in terms of section 33(6)(b) has been received from Police Scotland and is attached at Appendix 1 to this Report. This notice specifies an undeclared conviction for a relevant offence by one of the Directors of Cairngorm Brewery Co. Ltd. However Police Scotland offer no objection to the transfer.
- 1.3 In terms of section 33(9) of the Licensing (Scotland) Act 2005 a hearing is required where the Board receives notice from Police Scotland that the transferee or any person connected to the transferee has relevant convictions even though they have no objection to the transfer.

2. Hearing

- 2.1 In terms of section 33(9) of the Licensing (Scotland) Act 2005 a hearing is required where the Board receives notice from Police Scotland that the transferee or any person connected to the transferee has relevant convictions even though they have no objection to the transfer.
- 2.2 The applicants have been invited to the Hearing.

3 Powers

Having regard to the notice from Police Scotland the Board must

(a) if satisfied that it is necessary to do so for the purposes of any of the licensing objectives, refuse the application, or

(b) if not so satisfied, grant the application.

6. Recommendation

The Board is invited to determine the application.

Designation: Clerk of the Highland Licensing Board

Reference:

Author: Wendy Grosvenor

Date: 21 July 2014

Appendix 1: Notice from Police Scotland dated 21 July 2014

21 July 2014

Your Ref: HC/INBS/100
Our Ref: NM6243/14



Clerk to the Highland Licensing Board:
Alasdair MacKenzie
Chief Executive's Office
The Town House
Inverness
IV1 1JJ

Highlands & Islands Policing Division
Divisional Co-ordination Unit
Divisional Headquarters
Old Perth Road
INVERNESS
IV2 3SY

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24 JUL 2014

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Dear Sir

**HIGHLAND LICENSING BOARD – INVERNESS, NAIRN, BADENOCH &
STRATHSPEY DIVISION
PREMISES TRANSFER: THE WINKING OWL, 123 GRAMPIAN ROAD,
AVIEMORE PH22 1PA
TRANSFeree: CAIRNGORM BREWERY CO. LTD. 12 DALFABER
INDUSTRIAL ESTATE, DALFABER DRIVE, AVIEMORE
PH22 1ST**

I refer to correspondence of 10 July 2014 and in terms of the Licensing (Scotland) Act 2005 Sec 33 (6)(b) I can confirm the existence of a conviction for a relevant offence in relation to Ms Samantha Jane Faircliff, a connected person in this instance, which has not been declared:

11/05/2010	Inverness Sheriff Court	Road Traffic Act 1988 Sec 5 (1)(a)	£300 fine Disq 1 yr
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Police Scotland have no objections or representations in relation to this application.

Yours sincerely

Mairi MacInnes
Chief Inspector
Divisional Co-ordination Unit