

**The Highland Licensing Board**

**Meeting – 12 August 2014**

Agenda Item	<b>16.1</b>
Report No	<b>HLB/109/14</b>

**Hearing to determine application for Personal Licence – Peter Jonathan Marshall**

**Report by the Clerk to the Licensing Board**

**Summary**

This Report invites the Board to hold a Hearing to consider and determine an application for a Personal Licence under Section 72 of the Licensing (Scotland) Act 2005.

**1. Background**

- 1.1 A Personal Licence is required to allow any individual to supervise or authorise the sale of alcohol.
- 1.2 On 30 May 2014 an application for a Personal Licence was received John Gaunt and Partners, agents, on behalf of Peter Jonathan Marshall.
- 1.3 Under Section 73 of the above Act, Police Scotland have timeously intimated that the applicant has been convicted of a relevant offence which has not been declared. A copy of the letter received from Northern Constabulary dated 26 June 2014 is attached as Appendix 1 to the Report.

Northern Constabulary have intimated that they have no objections to the application.

- 1.4 The applicant is entitled to be heard and has been invited to attend the Hearing along with Northern Constabulary.

**2. Legal Position**

The Licensing Board may only consider the application on the basis of the “crime prevention objective” which is “preventing crime and disorder”. Members will recognise this as the first licensing objective.

- 2.1 The subordinate legislation of the Act is quite specific in that only “relevant” convictions can be intimated. These convictions are listed in a statutory instrument and I can confirm that the applicant’s convictions are relevant convictions.

**Recommendation**

The Board is invited to determine the application as follows:-

- (a) If the Board are satisfied that it is necessary to do so for the purposes of the crime prevention objective, the Board must refuse the application
- or,
- (b) If the Board are not so satisfied, the Board may grant the application.

Designation: Clerk to the Highland Licensing Board  
Author: Wendy Grosvenor  
Date: 27 June 2014  
Background Papers Licensing (Scotland) Act 2005, Application Form

Appendix: Letter from Northern Constabulary dated 26 June 2014



**POLICE  
SCOTLAND**  
Keeping people safe

26 June 2014

Your Ref: 4134

Our Ref: NN15900/14

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Dear Sir

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR THE GRANT OF A PERSONAL LICENCE  
APPLICANT: PETER JONATHAN MARSHALL B.19/09/1992**

I refer to the above application and in terms of section 73(3)(b) of the Licensing (Scotland) Act 2005, I have to confirm that the applicant has been convicted of the following relevant offence which he has not declared .

19/09/2012	Inverness Sheriff Court	Assault to severe	£3000 fine
		Injury & permanent	£3000
		impairment	comp

Mr Marshall has been interviewed in relation to this application and it transpires that he has actually declared this conviction to his employer, Whitbread Group PLC, however, John Gaunt & Partners, solicitors acting on behalf of both the applicant and his employer did not disclose the foregoing conviction on Mr Marshall's application form as the Rehabilitation of Offenders Act 1974 has been amended in England and Wales to shorter Rehabilitation periods. This amendment has not yet been enacted to apply to Rehabilitation periods in Scotland.

I am unable to confirm the existence of any foreign offence in respect of the applicant. Police Scotland have no objections to this application.

Yours faithfully

**Mairi MacInnes**  
**Chief Inspector**  
Divisional Co-ordination Unit