

**The Highland Licensing Board**

**Meeting – 7 October 2014**

Agenda Item	<b>13.1</b>
Report No	<b>HLB/132/14</b>

**Hearing to determine application for Personal Licence – Gordon Harper**

**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 6 August 2014 an application for a Personal Licence was received from Gordon Harper.
- 1.3 In terms of 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 Police Scotland dated 12 August 2014 is attached.

Police Scotland have recommended that, for the purposes of crime prevention and securing public safety objectives, the application be refused.

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

**2. Legal Position**

The Licensing Board may only consider the application in terms of the licensing objectives:

- a) preventing crime and disorder,
- b) securing public safety,
- c) preventing public nuisance,
- d) preventing and improving public health, and
- e) protecting children from harm.

Police Scotland have recommended refusal on objectives a) and b).

2.1 The subordinate legislation of the Licensing 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 conviction is a relevant one.

### **Recommendation**

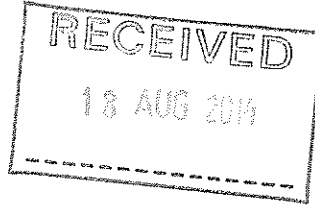
The Board is invited to determine the application as follows:-

(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: L Gunn  
Date: 25 August 2014  
Background Papers: Licensing (Scotland) Act 2005, Application Form  
Appendix: Letter from Police Scotland dated 12 August 2014



12 August 2014

Your Ref: HC/CSER/4207

Our Ref: NJ9187/14

Clerk to the Highland Licensing Board:  
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Dear Sir

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR THE GRANT OF A PERSONAL LICENCE  
APPLICANT: GORDON HARPER, B.05/02/1987**

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.

05/07/2012	Dingwall Sheriff Court	Criminal Justice & Licensing (Scotland) Act 2010 sec 38 (1) Mod: Knife (breach of the peace)	200 hours Community service
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The circumstances surrounding this conviction are that on 13 May 2012, whilst under the influence of alcohol, as a result of an earlier altercation Mr Harper attended at a private dwelling in possession of two kitchen knives where he began shouting and swearing at the occupants followed by holding one of the knives at another persons throat.

In terms of section 73(4)(b) of the Licensing (Scotland) Act 2005, the Chief Constable, in having regard to these convictions recommends that, for the purposes of the crime prevention and securing public safety objectives, the application be refused.

I am unable to confirm the existence of any foreign offence in respect of the applicant.

Yours faithfully

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

