

The Highland Licensing Board

Meeting – 11 December 2014

Agenda Item	10.1
Report No	HLB/155/14

Application for section 33 transfer of Premises Licence under the Licensing (Scotland) Act 2005

Ross Suite (Formerly Spainsun Products Ltd), The Legion Dingwall Club, High Street, Dingwall, IV15 9SN

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 Margaret Jane Reid who is the current premises licence holder and premises manager. The application seeks to transfer the premises licence to David George Shanks, c/o The Legion Dingwall Club, High Street, Dingwall, IV15 9SN.

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. However Police Scotland offer 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 has relevant convictions even though they have no objection to the transfer.

2.2 The applicant and the proposed transferee have been invited to the Hearing.

3. Powers

- 3.1** 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.

Reference: HC/RSL/1496
Date: 20 November 2014
Author: Catherine MacLennan

Appendix 1: Notice from Police Scotland dated 10 November 2014

10 November 2014

Your Ref: HC/RSL/1496
Our Ref: NE14079/14



Clerk to the Highland Licensing Board:
Alasdair MacKenzie
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Dear Sir

HIGHLAND LICENSING BOARD – ROSS, SKYE & LOCHABER DIVISION
PREMISES TRANSFER: ROSS SUITE (Formerly Spainsun Products Ltd),
RBLS CLUB, HIGH STREET, DINGWALL IV15 9SN
TRANSFeree: DAVID GEORGE SHANKS, B.31/03/1973, 9 OLD RIVER
ROAD, DINGWALL IV15 9LQ

I refer to correspondence of 27 October 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 Mr David George Shanks, the transferee in this instance, which has not been declared:

09/05/2013	Dingwall Sheriff Court	Road Traffic Act 1988	£800 fine
		Sec 5 (1)(a)	Disq 2 yrs

Police Scotland have no objections or representations in relation to this application.

Yours sincerely

Mairi MacInnes
Chief Inspector
Divisional Co-ordination Unit