

The Highland Licensing Board

Meeting – Thursday 11 December 2014

Agenda Item	12.1
Report No	HLC/157/14

Hearing to determine application for Personal Licence – Lynda Donn

Report by 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 13 November 2014, an application for a Personal Licence was received from Lynda Donn.
- 1.3 Under Section 73 of the above Act, Police Scotland has timeously intimated that Ms Donn was convicted at Wick Sheriff Court on 6 August 2012 of contravening the Road Traffic Act 1988, sections 7(1) and (6). A copy of the letter received from Police Scotland dated 13 November 2014 is attached.

Police Scotland has intimated that they do not object to the application.
- 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 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 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 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: G Sutherland
Date: 17 November 2014
Background Papers: Licensing (Scotland) Act 2005, Application Form
Appendix: Letter from Police Scotland dated 13 November 2014



13 November 2014

Your Ref:

Our Ref: NJ11836/14

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: LYNDA DONN B.29/12/1959**

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 she has declared.

06/08/2012	Wick Sheriff Court	Road Traffic Act 1988	£540 Fine
		Sec 7 (1) & (6)	Disq 1 Yr

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