

The Highland Licensing Board

Meeting – 12 May 2015

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| Agenda Item | 11.1 |
| Report No | HLB/054/15 |

Application for transfer of Premises Licence

The Plough Inn, 48 High Street, Rosemarkie IV10 8UF

Report by the Clerk of the Licensing Board

Summary

A notice in terms of section 33(6)(b) of the Licensing (Scotland) Act 2005 has been received from Police Scotland but with no recommendation that the application be refused.

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 transfer of premises licence under section 33 of the Licensing (Scotland) Act 2005 (the Act) has been received from MH Pubs, Plough Inn, 48 High Street, Rosemarkie IV10 8UF. Roderick Russell Mackenzie, 65 High Street, Fortrose IV10 8SU, is connected to the applicant and has signed the application on their behalf. The application seeks to transfer the licence from Andrew Morrison 48 High Street, Rosemarkie IV10 8DF.

1.2 A notice in terms of section 33(6)(b)(ii) of the Act has been received from Police Scotland confirming that as a connected person Mr Mackenzie has a non-declared, and relevant conviction. The Police have no objections or representations in relation to the application. A copy of the letter from Police Scotland dated 2 April 2015 is appended as Appendix 1 to this Report.

2. Hearing

2.1 In terms of section 33(9) of the Act a hearing is required where the Board receives such a notice.

2.2 The Applicant and Police Scotland 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: HC/RSL/0736

Author: Wendy Grosvenor

Date: 8 April 2015

Appendix 1: Notice from Police Scotland dated 2 April 2015

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2 April 2015

Your Ref: HC/RSL/0736
Our Ref: NE5029/15

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8 - APR 2015



Alaisdair Mackenzie
Clerk to the Highland Licensing Board:
Town House
High Street
Inverness
IV1 1JJ

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

01463 720209

highlandislandlicensing
@scotland.pnn.police.uk

Dear Sir

**HIGHLAND LICENSING BOARD – ROSS, SKYE AND LOCHABER DIVISION
APPLICATION: PREMISES LICENCE TRANSFER
APPLICANT: ANDREW MORRISON
PREMISES: PLOUGH INN, 48 HIGH STREET, ROSEMARKIE IV10 8UF**

I refer to correspondence of 20 March 2015 and in terms of the Licensing (Scotland) Act 2005 Sec 33 (6)(b)(ii) I am able to confirm the existence of the conviction notified by Mr Roderick Russell Mackenzie, a connected person in this instance:

| | | | |
|------------|------------------------|-----------------------|-------------|
| 30/06/2005 | Dingwall Sheriff Court | Road Traffic Act 1988 | £700 fine |
| | | Sec 5 (1)(a) | Disq 15mths |

In terms of the Rehabilitation of Offenders Act 1974 this conviction is deemed spent and as such does not have to be declared. However Police criminal history checks reveal that Mr Mackenzie has the following relevant conviction which is not deemed spent and which he has not declared.

| | | | |
|------------|--------------------|---------------------|-----------|
| 28/04/2010 | Inverness JP Court | Breach of the Peace | £200 fine |
|------------|--------------------|---------------------|-----------|

Mr Mackenzie has been spoken to in relation to this application and to his non declaration of a relevant conviction. He has been advised that he will be reported to the Procurator Fiscal in this instance.

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

Yours sincerely

Mairi MacInnes
Chief Inspector
Divisional Co-ordination Unit