

The Highland Licensing Board

Meeting – 11 August 2015

Agenda Item	10.1
Report No	HLB/097/15

Application for personal licence – Mark Andrew Carswell

Report by Clerk to the Licensing Board

Summary

The Board is invited to consider and determine an application for a personal licence under Section 74 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 12 June 2015 an application for a personal licence was received from Mark Andrew Carswell.
- 1.3 Under Section 73 of the above Act, Police Scotland have timeously reported that the applicant has been convicted of relevant offences which he has not declared. A copy of the letter received from Police Scotland dated 1 July 2015 is attached.

Police Scotland have intimated that they do not object to the application and they are unable to confirm the existence of any foreign offences in respect of the applicant.

- 1.4 The applicant has been invited to attend the Hearing along with Police Scotland.

2. Legal Position

In terms of Section 74(5) the Board, where it receives such a notice, may hold a hearing for the purposes of considering and determining the application.

The 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.

Recommendation

The Board is invited to consider and 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: 1 July 2015
Background Papers: Licensing (Scotland) Act 2005, Application Form
Appendix: Letter from Northern Constabulary 1 July 2015



1 July 2015

Your Ref: HC/INBS/4636

Our Ref: NM4875/14

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: MARK ANDREW CARSWELL, B.09/03/1968**

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 offences which he has not declared.

09/05/2011	Aberdeen Sheriff Court	1) Road Traffic Act 1988 Sec 4 (1)	£450 fine
		2) Road Traffic Act 1988 Sec 6 (1) (2) & (6)	£225 fine disq12 mth

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