

The Highland Licensing Board

Meeting – Tuesday 6 October 2015

Agenda Item	12.2
Report No	HLB/108/15

Hearing to determine application for Personal Licence – Alister Stuart Mitchell

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 (the Act).

1. Background

- 1.1 A Personal Licence is required to allow any individual to supervise or authorise the sale of alcohol.
- 1.2 On 2 September 2015, an application for a Personal Licence was received from Alister Stuart Mitchell. One unspent conviction for assault in March 2006 was declared in the application.
- 1.3 Under Section 73 of the Act, Police Scotland has timeously intimated that the applicant Alister Stuart Mitchell has convictions for relevant offences which were not declared in the application. A copy of the letter received from Police Scotland dated 8 September 2015 setting out Mr Mitchell's unspent convictions is attached (Appendix 1).
- 1.4 Police Scotland have also intimated that they object to the application.
- 1.5 The applicant is entitled to be heard and has been invited to attend the Hearing along with Police Scotland.

2. Legal Position

- 2.1 Section 74 of the Act requires that the Board refuse the application if, after having had regard to the Police Scotland letter, the Board is satisfied that it is necessary do so for the purposes of any of the licensing objectives. If not so satisfied, the Board must grant the application.
- 2.2 In considering any previous convictions, the Board may have regard only to "relevant" convictions. These relevant convictions are identified in a statutory instrument and it has been confirmed that the applicant's convictions are relevant convictions.

Recommendation

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

- (a) If, having had regard to the Police letter and any submissions made by the applicant and/or the Police Scotland representative at the Hearing, the Board is satisfied that it is necessary to do so for the purposes of any of the licensing objectives, the Board must refuse the application
- or,
- (b) If the Board is not so satisfied, the Board must grant the application.

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Date: 10 September 2015

Background Papers: Licensing (Scotland) Act 2005, Application Form

Appendices: Appendix 1 - Letter from Police Scotland dated 8 September 2015