

**The Highland Licensing Board**

**Meeting – Tuesday 6 October 2015**

Agenda Item	<b>12.3</b>
Report No	<b>HLB/109/15</b>

**Hearing to determine application for Personal Licence – Abdul Rahib Thayatheyl**

**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 16 July 2015, an application for a Personal Licence was received from Abdul Rahib Thayatheyl.
- 1.3 Under Section 73 of the Act, Police Scotland has timeously intimated that they object to Mr Thayatheyl's application. A copy of the letter received from Police Scotland is attached (Appendix 1).
- 1.4 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.

## **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.

Reference: HC/CSER/4690  
Date: 22 September 2015  
Author: G Sutherland  
Background Papers: The Licensing (Scotland) Act 2005/Application Form  
Appendix: Letter from Police Scotland