

**The Highland Licensing Board**

**Meeting – 9 August 2016**

Agenda Item	9.1
Report No	HLB/076/16

**Hearing to determine application for personal licence – Ada Katrina MacKenzie**

**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 23 May 2016 an application for a personal licence was received from Ada Katrina MacKenzie.
- 1.3 Under Section 73 of the Act, Police Scotland have timeously intimated that the applicant has convictions for relevant offences. A copy of the letter received from Police Scotland dated 31 May 2016 is attached (Appendix 1).
- 1.4 Police Scotland have intimated that they do not 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.

Author: Marjory Bain

Designation: Licensing Assistant

Date: 5 July 2016

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

Appendices: Appendix 1 - Letter from Police Scotland dated 31 May 2016

Appendix 2 – Letter from Ada MacKenzie dated 23 May 2016

31/05/2016

Your Ref: HC/INBS/5181

Our Ref: 139992

Clerk to the Highland Board  
Town House  
High Street  
Inverness  
IV1 1JJ



**POLICE  
SCOTLAND**

Keeping people safe

Philip Gormley QPM  
Chief Constable

Divisional Co-ordination Unit  
Highland and Islands Division  
Police HQ  
Old Perth Road  
INVERNESS  
IV2 3SY

FOR THE ATTENTION OF SUSAN BLEASE

Dear Madam,

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A  
PERSONAL LICENCE**

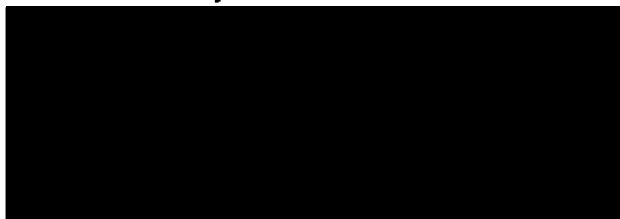
**ADA KATRINA MACKENZIE, 31/01/1970  
125 BLARMORE AVENUE, INVERNESS, HIGHLAND IV3 8QT**

I refer to the above application and in terms of Section 73(3)(b) of the Licensing (Scotland) Act 2005, I have to advise you that, based upon the information provided to Police Scotland, the applicant has been convicted of the following relevant offence which she has declared.

Date	Court	Crime/Offence	Disposal
30/03/2009	Edinburgh High Court	Misuse of Drugs Act 1971 Sec 4(3)(b)	Imprisonment 3 years 4 Months

I am unable to confirm the existence of any foreign offence in respect of the applicant.

Yours faithfully



Philip Gormley QPM  
Chief Constable

For enquiries please contact the Licensing Department on 01463 720817.

I would like to expand on the information given on my disclosure. Though the sentence was five years, I only served 14 months. Having seen the error of my ways and got time off for good behavior, I would like to point out that I was not an addict, but a link in a chain concerning the collection of monies. I am not making light of my involvement, but assuring the board that a drug relapse is not a possibility or likely at any time in the future. My domestic circumstances, at that time, i.e. my husband leaving myself and our son after ten years: contributed to a big change in my outlook and judgement. Time and support from family and friends has brought me back to reality and given me the confidence to pursue a career I love with passion and commitment. No previous convictions and none since. Hence my application to the board for a favourable reply. [REDACTED]