

The Highland Licensing Board

Meeting – 9 August 2016

Agenda Item	9.2
Report No	HLB/077/16

Hearing to determine application for Personal Licence – Nigel Robert Parkin

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 19 July 2016, an application for a personal licence was received from Nigel Robert Parkin.
- 1.3 Under Section 73 of the Act, Police Scotland have timeously intimated that the applicant has a conviction for a relevant offence. A copy of the letter received from Police Scotland dated 27 July 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: 28 July 2016

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

Appendices: Appendix 1 - Letter from Police Scotland dated 27 July 2016

27/07/2016

Your Ref: HC/INBS/5297

Our Ref: 158152

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 Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A
PERSONAL LICENCE
NIGEL ROBERT PARKIN, B.18/02/1972
BUNCHREW HOUSE HOTEL, BUNCHREW, INVERNESS, HIGHLAND IV3 8TA**

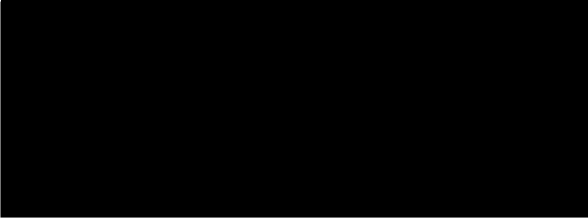
I refer to the above application and in terms of Section 73(3)(b) of the Licensing (Scotland) Act 2005, I have to advise you that, based upon the information provided to Police Scotland, the applicant has been convicted of the following relevant offence which he has failed to disclose.

Date	Court	Crime/Offence	Disposal
20/01/2010	Carlisle Crown Court	Proceeds of Crime Act 2002 Sec 327 (1)(d)	8 months imprisonment

Mr Parkin was interviewed in relation to this failure to disclose and he provided a reasonable explanation as to why he did not disclose this conviction. Police Scotland have no objections to this application.

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.