

The Highland Licensing Board

Meeting – 1 November 2016

Agenda Item	7
Report No	HLB/104/16

Hearing to determine application for personal licence – Paul Burke

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 October 2016, an application for a personal licence was received from Paul Burke.
- 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 20 October 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: 21 October 2016

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

Appendices: Appendix 1 - Letter from Police Scotland dated 20 October 2016

20/10/2016

Your Ref: HC/INBS/5480

Our Ref: 181269



**POLICE
SCOTLAND**

Keeping people safe

Philip Gormley QPM
Chief Constable

South Ayrshire Area Command
Ayr Police Office
1 King Street
Ayr
KA8 0BU

RECEIVED
21 OCT 2016

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

FOR THE ATTENTION OF SUSAN BLEASE

Dear Madam,

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

PAUL BURKE, B.01/10/1982

46 MAIN STREET, SYMINGTON, SOUTH AYRSHIRE KA1 5QF

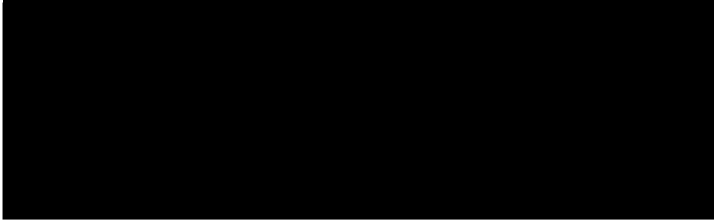
I refer to the above application and in terms of Section 73(3)(b) of the Licensing (Scotland) Act 2005, I have to advise you that, based upon the information provided to Police Scotland, the applicant has been convicted of the following relevant offence(s) which he has declared.

Date	Court	Crime/Offence	Disposal
11/09/2014	Ayr Sheriff Court	1) Criminal Justice and Licensing (Scotland) Act 2010 Sec 38 (1)	£200 fine
		2) Assault to Injury	£450 fine

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 01563 505043.

