

The Highland Licensing Board

Meeting – 3 September 2024

Agenda Item	10.1
Report No	HLB/90/24

Application for personal licence – Malcolm John Cameron Beaton

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 9 August 2024, an application for a personal licence was received from Malcolm John Cameron Beaton.
- 1.3 Under section 73 of the Act, Police Scotland have timeously given notice confirming that the applicant has a conviction for a relevant offence. A copy of the notice received from Police Scotland dated 13 August 2024 is attached (**Appendix 1**).
- 1.4 Police Scotland have not included in their notice a recommendation under section 73(4) that the personal licence application be refused.

They have not included additional information under section 73(5) which they consider may be relevant to consideration by the Board of the application.
- 1.5 Under section 73A of the Act, the Licensing Standards Officer (“LSO”) has also been given notice of the application and has offered no further information which he considers relevant to the consideration by the Board of the application.
- 1.6 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(6) of the Act requires that at the hearing the Board must refuse the application if, after having had regard to the Police Scotland notice, any information provided by Police Scotland under section 73(5) and any information provided by the LSO under section 73A(2), the Board is satisfied that a ground of refusal applies. If not so satisfied, the Board must grant the application.

2.2 The grounds of refusal are-

- (a) that, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a personal licence,
- (b) that it is otherwise necessary to refuse the application for the purposes of any of the licensing objectives.

2.3 For the purposes of the Act, the licensing objectives are-

- (a) preventing crime and disorder,
- (b) securing public safety,
- (c) preventing public nuisance,
- (d) protecting and improving public health, and
- (e) protecting children and young persons from harm.

Recommendation

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

- (a) If, having had regard to the Police Scotland notice, any information provided under section 73(5) or 73A(2) and any submissions made by the applicant and/or the Police Scotland representative at the hearing, the Board is satisfied that a ground of refusal applies, the Board must refuse the application.
- (b) If the Board is not so satisfied, the Board must grant the application.

Ref.: HC/RSL/9161

Author: Carol Nicolson

Date: 14 August 2024

Appendices: Appendix 1 - Letter from Police Scotland dated 13 August 2024

13/08/2024

Your Ref: FS637529791

Our Ref: 850818

Highland Council
Licensing Office
Council Headquarters
Glenurquhart Road
Inverness
IV3 5NX



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

FOR THE ATTENTION OF Claire McArthur

Dear Madam,

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

MALCOLM JOHN CAMERON BEATON, Born 31/01/1984

13 AIRD, SLEAT TOWNSHIP ROAD, ARDVASAR, HIGHLAND, IV45 8RN.

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

Date	Court	Crime/Offence	Disposal
17/11/2020	Portree Sheriff	Road Traffic Act 1988 Section 5 (1)	Fine £480 Disqualified 14 Months Licence Endorsed Victim Surcharge £20.

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

Yours faithfully

OFFICIAL



Chief Superintendent Robert Shepherd
Divisional Commander

For enquiries, please contact the Licensing Department on 01463 720817.