

The Highland Licensing Board

Meeting – 16 June 2015

Agenda Item	12.1
Report No	HLB/073/15

Personal Licence Holder HC/INBS/PERS/1087

Iqbal Mohammed

Report by the Clerk to the Licensing Board

Summary

A notice in terms of section 83(4)(b) has been received from Police Scotland and the Board is required to hold a hearing to determine what action, if any, be taken against the Licence Holder.

1. Background

- 1.1 A personal licence is required to allow any individual to supervise or authorise the sale of alcohol.
- 1.2 Mr Iqbal Mohammed was granted a personal licence on 2 August 2010 and subject to the terms of the Act will require to be renewed on 1 August 2020.
- 1.3 Under Section 83, the Board has received notice of a conviction from the Chief Constable dated 30 April. 2015. A copy of the Chief Constable's notice is attached. He is recommending that it is necessary for the purposes of the prevention of the crime and disorder objective that the licence holder's personal licence should be suspended or endorsed.

2. Hearing

- 2.1 In terms of section 83(7) the Board must hold a hearing.
- 2.2 The Licence Holder and Police Scotland have been invited to the Hearing.

3. Legal Position

The "crime prevention objective" is "preventing crime and disorder". Members will recognise this as the first licensing objective.

4. It is confirmed that the conviction referred to is a relevant conviction in terms of the licensing legislation.

5. Legal Test

I would advise that there are four stages the Board should consider as follows:-

1. Is there a relevant conviction?
2. What is the Chief Constable's recommendation?
3. Does the conviction engage with the crime prevention objective?
4. In order to make an order revoking, suspending or endorsing the licence, the Board has to be satisfied that it is necessary to do so for the purposes of the crime prevention objective.

Recommendation

The Board is recommended to hold a Hearing and thereafter determine what action, if any, should be taken against the Licence Holder.

Designation: Clerk of the Highland Licensing Board

Date: 6 May 2015

Background Papers: Licensing (Scotland) Act 2005 Section 83

Appendix: Letter dated 30 April 2015 from Police Scotland.

30 April 2015

Your Ref: AMcK/WDG
Our Ref: NN10797/15



Clerk to the Highland Licensing Board:
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Dear Sir

**HIGHLAND LICENSING BOARD – INVERNESS, NAIRN, BADENOCH &
STRATHSPEY DIVISION**

NOTIFICATION OF CONVICTION

CONVICTED PERSON: IQBAL MOHAMMAD, B.23/09/1967

PERSONAL LICENCE HOLDER: HC/INBS/PERS/1087

OFFENCE: ROAD TRAFFIC ACT 1988 SEC 5 (1)(B)

I refer to correspondence of 17 April 2015 and in terms of the Licensing (Scotland) Act 2005 Sec 83 (4)(b) I am able to confirm the existence of the above conviction notified by Mr Iqbal Mohammad which relates to a relevant offence. Relevant criminal history checks carried out reveal that this declared conviction was dealt with at Inverness Sheriff Court on 10 October 2011 at which time he was fined £720 and disqualified from driving for 3 months.

Within the terms of the Licensing (Scotland) Act 2005 Sec 82 (2) and (5) Mr Mohammad is to be reported for this offence. In terms of the Licensing (Scotland) Act 2005 Sec 83 (5)(b) in relation to the prevention of crime and disorder objective Police Scotland recommend that Mr Iqbal Mohammad's personal licence be either suspended or endorsed.

Yours sincerely


Mairi MacInnes
Chief Inspector
Divisional Co-ordination Unit