

## The Highland Licensing Board

Meeting – 9 June 2017

Agenda Item	<b>13.2</b>
Report No	<b>HLB/076/17</b>

### Application for transfer of premises licence

Co-operative Group Food Limited, 2 Mount Pleasant Road, Thurso

### Report by the Clerk of the Licensing Board

#### Summary

A notice in terms of section 33(6)(b)(i) of the Licensing (Scotland) Act 2005 has been received from Police Scotland advising that the proposed transferee in the transfer of a premises licence has been convicted of relevant convictions. This Report explains the procedure which must be followed and the Board's powers under section 33(10).

#### 1. Background

- 1.1 An application for a transfer of premises licence under section 34 of the Licensing (Scotland) Act 2005 (the Act) has been received from Martin McColl Limited seeking to transfer the licence from Co-operative Group Food Limited.
- 1.2 A notice in terms of section 33(6)(b)(i) of the Act has been received from Police Scotland confirming that the transferee has not been convicted of a relevant offence. A copy of the letter from Police Scotland is appended as Appendix 1 to this Report and the declared convictions are set out at Appendix 2.

#### 2. Hearing

- 2.1 In terms of section 33(9) of the Act a hearing is required where the Board receives such a notice.
- 2.2 The Applicant and Police Scotland have been invited to the Hearing.

#### 3 Powers

Having regard to the notice from Police Scotland the Board must

- (a) if satisfied that it is necessary to do so for the purposes of any of the licensing objectives, refuse the application, or
- (b) if not so satisfied, grant the application.

## **6. Recommendation**

The Board is invited to determine the application.

Reference: HC/CSR/0337

Date: 23 May 2017

Author: G Sutherland

Background Papers: The Licensing (Scotland) Act 2005/Application Form

Appendix 1: Letter dated 9 May 2017 from Police Scotland

Appendix 2: Declared convictions

09/05/2017

Your Ref: HC/CSR/0337

Our Ref: 230415

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



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,

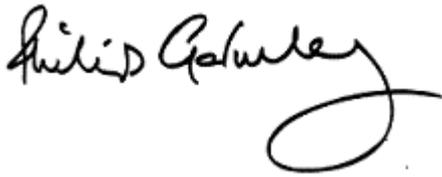
**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE TRANSFER  
OF A PREMISES LICENCE ON APPLICATION OF PERSON OTHER THAN  
LICENCE HOLDER  
CO-OPERATIVE GROUP FOOD LTD  
2 MOUNTPLEASANT ROAD, MOUNTPLEASANT, THURSO, HIGHLAND KW14  
8HR  
CO-OPERATIVE GROUP FOOD LIMITED  
APPLICANT – MARTIN MCCOLL LIMITED, MARTIN MCCOLL HOUSE,  
ASHWELLS ROAD, BRENTWOOD, ESSEX CM15 9ST**

I refer to the above application and in terms of Section 33(6)(b)(i) of the Licensing (Scotland) Act 2005, I have to advise you that the applicant has been convicted of the declared relevant offence(s).

Further, in terms of Section 33(6)(a)(ii) of the Licensing (Scotland) Act 2005, I have to advise you that no connected person has been convicted of any relevant offence.

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'Philip Gormley'. The signature is fluid and cursive, with a large, sweeping loop at the end of the word 'Gormley'.

Philip Gormley QPM  
Chief Constable

For enquiries please contact the Licensing Department on 01463 720817.

## ANNEX 2

## Forbuoys Ltd and Martin McColl Ltd Convictions and Cautions

<u>Date of Conviction</u>	<u>Court</u>	<u>Prosecuting Authority (where known)</u>	<u>Offence and Offence Date</u>	<u>Plea Entered (where known)</u>	<u>Fine</u>	<u>Costs</u>
07-May-09	Bedford MC	Central Beds DC	HSAW x 2 (inc Asbestos R. Ass.)	G	£15,000 x 1 £3,500 x 1	£8,011.25
08-May-09	Bodmin MC	NCDC	HSAW x 7 (inc Asbestos R. Ass.)	G	£1,000 x 2 £3,000 x 3 NSP x 2 VS £15	£4,413.00
02-Nov-09	Sudbury MC	Suffolk County Council	Underage Sales of Alcohol x 3	G	£2,500 x 3 VS £15	£7,649.00
25-Aug-10	Northwich MC	Cheshire West & Chester Council	HSAW x 1 (Failing to have a risk assessment)	G	£5,000	£5,520.37
01-May-12	Bodmin MC	Cornwall Council	HSAW x 8	G	£3,000.00 x 4 £3,600.00 x 1 £4,000.00 x 1 £5,400.00 x 1	£14,299.26
01-Oct-12	West Hampshire Magistrates Court	Hampshire Fire & Rescue Service	Offences under the Regulatory Reform (Fire Safety) Order 2005 x 5	G	£3,500.00 x 5	£3,817.51

26-Jun-14	Suffolk Magistrates Court, Bury St. Edmunds.	Suffolk County Council	Under Age Sales of alcohol x 2 Under Age Sales of alcohol x 1 Under Age Sales contrary to Section 147A	G G G	£2,000.00 x 2 £1,500.00 x 1 £13,500.00 VS Payment £120.00	£2,785.00
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14-Nov-14	Liverpool Crown Court	Wirral Borough Council	Breach of Health and Safety duty to employees x 6	G	£25,000.00 x 6	£78,015.00
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15-Mar-16	Ipswich Magistrates Court	Suffolk County Council	Under Age Sales x 2 - Offences of Licensing Act 2003 Section 146(1) & (7) (sale of alcohol to persons under 18) Under Age Sales x 1	G	£3,000.00 x 2 £4,000.00 x 1	£1,818.63
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