

**The Highland Licensing Board**

**Meeting – 3 September 2024**

Agenda Item	<b>12.1</b>
Report No	<b>HLB/92/24</b>

**Hearing to consider Police Scotland report of conduct inconsistent with licensing objectives  
Personal licence holder – Ayaz Irshad (HC/CSR/7710)**

**Report by the Clerk to the Licensing Board**

**Summary**

This report relates to a hearing under section 84A of the Licensing (Scotland) Act 2005. This is a mandatory hearing which the Board must hold following receipt from Police Scotland of a report advising that the Chief Constable considers that a personal licence holder has acted in a manner inconsistent with any of the licensing objectives.

**1. Background**

1.1 A personal licence is required to allow any individual to supervise or authorise the sale of alcohol.

1.2 Ayaz Irshad was granted a personal licence on 8 October 2021 and, subject to the terms of the Act, the licence will expire on 7 October 2031.

Ayaz Irshad is currently the Designated Premises Manager at Royal Hotel, High Street, Tain.

1.3 In terms of section 84A of the Act, Police Scotland have submitted to the Board a report dated 31 May 2024 that the Chief Constable considers that personal licence holder, Ayaz Irshad, has acted in a manner inconsistent with the licensing objectives of preventing crime and disorder and securing public safety. A copy of this report detailing the conduct in question is attached (**Appendix 1**).

Section 84A(2) of the Act provides that where the Board receives from Police Scotland a report of this nature, the Board must hold a hearing.

1.4 The personal licence holder, Ayaz Irshad and a representative from Police Scotland have been invited to attend the hearing. Both have been advised of the hearing procedure which will be followed at the meeting and which may also be viewed via the following link:

[http://highland.gov.uk/hlb\\_hearings](http://highland.gov.uk/hlb_hearings)

## **2. Legal position**

- 2.1 At the hearing, the Board may, after giving the licence holder, Police Scotland and such other persons as they consider appropriate an opportunity to be heard, make an order revoking, suspending or endorsing the licence if the Board is satisfied that it is necessary to do so for the purposes of any of the licensing objectives. The period of any suspension may not exceed 6 months. Alternatively, the Board may decide to take no action.
- 2.2 Separately, where, at the hearing, the Board are satisfied that, having regard to the licensing objectives, the licence holder is not a fit and proper person to be the holder of a personal licence, the Board must make an order revoking the licence.
- 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 hear from the representative of Police Scotland and from the personal licence holder and then to determine whether to make any order revoking, suspending or endorsing the personal licence.

Reference: HC/CSR/7710

Date: 16 July 2024

Author: G Sutherland

Appendices: Appendix 1 - Letter from Police Scotland dated 31 May 2024

31/05/2024

Your Ref: HC/CSR/7710

Our Ref: 189029

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

Dear Sir,

**LICENSING (SCOTLAND) ACT 2005 - SECTION 84A REPORT OF CONDUCT  
INCONSISTENT WITH LICENSING OBJECTIVES  
PERSONAL LICENCE HOLDER: AYAZ IRSHAD ROYAL HOTEL, HIGH STREET,  
TAIN, IV19 1AB LICENCE NO: HC/CSR/7710**

The Chief Constable hereby reports to the Licensing Board in terms of Section 84A of the Licensing (Scotland) Act 2005 that Ayaz Irshad has acted in a manner which is inconsistent with the licensing objectives articulated at Section 4(1) of Act, namely:

- Preventing Crime and Disorder
- Securing Public Safety

Mr Irshad was granted a personal licence on the 8<sup>th</sup> of October 2021. Personal Licence holders have a duty to uphold the Licensing Objectives each time alcohol is sold, served, or consumed on the premises where they work.

This submission should be cross referred with a Premises Licence Review Request submitted in respect of Royal Hotel, Tain where Mr Irshad is the Designated Premises Manager.

The following information is provided for the Board's consideration.

On the 10<sup>th</sup> of November 2021 a patron booked into the Royal Hotel, Tain for the night and was checked in by the Designated premises Manager, Mr Irshad, around 11pm. At this time, Mr Irshad noted the victim to be intoxicated and smelling of cannabis.

The patron then made his way through to the hotel bar directly followed by Mr Irshad.

## OFFICIAL

Mr Irshad, in his capacity as the Designated Premises Manager, was in control and charge of the sale of alcohol.

The patron ordered a double vodka and coke and was served by Mr Irshad. The victim and Mr Parsons thereafter began to converse.

Shortly after midnight, now the 11<sup>th</sup> of November 2021, Mr Irshad was closing the bar, and the patron ordered several drinks to take to his room. Mr Irshad poured a double vodka in one glass and then six more measures of vodka in another glass along with two single measures of whiskey.

The patron placed these drinks on a tray and was shown to his room by another member of staff. The patron was then a victim of sexual assault within the room by this member of staff. Police attended and began investigations.

Mr Irshad was spoken to and confirmed he had checked the patron in, the patron appearing intoxicated, observed him to smoke a "joint" at some point during the evening, conversing with another member of staff and serving him several drinks to take to his room when he closed the bar, being several large vodkas, two whiskies and a can of cola.

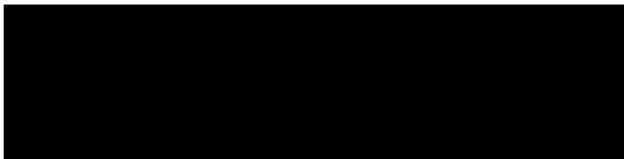
Mr Irshad, the Designated Premises Manager, has failed in his duty of care towards the patron whereby he has admitted to believing the victim was intoxicated and smoking cannabis at the time of check in and serving him alcohol and thereafter irresponsibly serving a large quantity of alcohol to the patron to take to his room. These actions being relevant to the Licensing Objectives and in breach of them. This narrative above can be linked to the sale of alcohol at the premises to the patron.

The above is now provided as the culprit in the sexual offence has now been convicted of the sexual assault of the patron and Police are entitled to share this information with the Licensing Board.

The Chief Constable's view is that a revocation of the Personal Licence is appropriate.

In signing this report, I confirm that this report is made under the authority of the Chief Constable of Police Service of Scotland:

Signed:

A large black rectangular redaction box covering the signature of the Chief Superintendent.

Chief Superintendent Rob Shepherd  
Divisional Commander

Date: 31/05/2024

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