

## **HIGHLAND LICENSING BOARD**

Minute of the meeting of the **Highland Licensing Board** held in the Council Chamber, Council Headquarters, Glenurquhart Road, Inverness on Tuesday 1 April 2025 at 9.30am.

### **Present:**

Dr C Birt, Mr J Bruce, Mr J Grafton, Mrs J Hendry (Convener), Mr S Kennedy, Ms E Knox, Mr D Macpherson, Mr D Millar, Mr K Rosie.

### **In Attendance:**

Ms C McArthur, Principal Solicitor, Clerk to the Board

Mr I Meredith, Solicitor, Depute Clerk to the Board

Ms M Duffy, Solicitor

Mr G Cameron, Licensing Standards Officer

Mr S Campbell, Licensing Standards Officer

Mr E MacKinnon, Licensing Standards Officer

Mrs G MacPherson, Committee Officer

### **Also In Attendance:**

Sergeant Paterson, Police Scotland

Item 7.1: Rebecca Fraser, Applicant's Solicitor

Item 8.2: Lawrie Quibell, Business Partner, Katie Scobie, Premises Owner

Item 9.1: Niall Hassard, Applicant's Solicitor, Andrew Kemp, Licensing Manager, and Fraser Sharp, General Manager

Items 9.2 and 9.4: Hardish Purewal, Licensing Manager, Brenda Fenion, Store Manager

Item 9.3: David Gemmell, Applicant

Item 9.5: Alistair Macdonald, Applicant's Solicitor, Niki Gillies, Operations Manager

Item 9.7: Lynn Simpson, Applicant's Solicitor, Rebecca Broadway, Area Manager

### **Briefing on Protocol for Webcasting of Meetings**

The Convener advised the Board that the meeting would be filmed and broadcast over the internet on the Highland Council website and would be archived and available for viewing for 12 months.

#### **1. Apologies for Absence Leisgeulan**

There were no apologies for absence.

#### **2. Declarations of Interest Foillseachaidhean Com-pàirt.**

Item 7.1: Mr J Grafton

#### **3. Confirmation of minutes Dearbhadh a' gheàrr-chunntais**

There was submitted for confirmation as a correct record the minute of the meeting of the Highland Licensing Board held on 25 February 2025.

The Minutes were held as read and **APPROVED**.

**4. Licensing (Scotland) Act 2005  
Licences granted under delegated powers  
Achd Ceadachd (Alba) 2005  
Ceadachdan a bhuilicheadh fo ùghdarras air a thiomnadh**

There had been circulated Report No HLB/19/25 detailing all Licences which had been granted under delegated powers to the Clerk during the period 13 February 2025 to 18 March 2025.

The Board **NOTED** the Report.

**5. Licensing (Scotland) Act 2005  
Occasional licences and extended hours granted under delegated powers  
Achd Ceadachd (Alba) 2005  
Ceadachdan Corra-uair agus uairean sìnte a bhuilicheadh fo ùghdarras air a thiomnadh**

There had been circulated Report No HLB/20/25 detailing Occasional Licences and Extended Hours Applications which had been granted under delegated powers by the Clerk to the Board during the period 13 February 2025 to 18 March 2025.

The Board **NOTED** the Report.

**6. Review hearings – non payment of annual premises licence fees  
Moladh ath-sgrùdaidh – neo-phàigheadh chisean ceadachd togalaich bliadhna**

There had been circulated Report No HLB/21/25 by the Clerk.

The licence for Great Glen Waterpark was no longer under review as payment had been received.

Thereafter, the Board held premises licence review hearings in respect of each of the following premises.

**Fort William Football Club**

Numerous attempts to contact Fort William Football Club had been made by the Licensing Team. There had been correspondence at an early stage, where it had been said by the club a payment would be made, however the fee remained unpaid.

**Milton Spean Bridge Hotel, Spean Bridge**

The hotel had not been in operation for a number of years. The building itself appeared almost derelict, and agents acting on behalf of the hotel had been unable to make contact with the owners.

### **Commercial Bar, High Street, Invergordon**

The bar had not been trading since 2020. Numerous attempts to contact the premises licence holders had been made by the Licensing Team and these had been unsuccessful.

The Board **AGREED** to **REVOKE** the premises licence for the following premises

- Fort William Football Club
- Milton Spean Bridge Hotel, Spean Bridge
- Commercial Bar, High Street, Invergordon

under section 39 of the Licensing (Scotland) Act 2005 on the grounds of non payment of their annual premises licence fee.

## **7. Licensing (Scotland) Act 2005 Applications for new premises licences Achd na Ceadaichd (Alba) 2005 Larrtas airson cheadachdan thogalaichean ura**

**Declaration of Interest:** Mr J Grafton declared interest in this as he knew the company concerned and, in accordance with paragraph 5.6 of the revised Code of Conduct, he left the meeting for this item.

### **7.1 Ref: HC/RSL/2132**

**Applicant:** Black Sheep Management Services Limited per Twin Deer Law, Lochaber Rural Complex, Fort William, PH33 6SQ

**Premises:** The Pizzeria, 17-19 High Street, Fort William, PH33 6DH.

**Type:** On and off sales

There had been circulated Report No HLB/22/25 by the Clerk.

The Board **AGREED** to **GRANT** the application for a premises licence subject to the mandatory conditions, local condition (k), the following late opening conditions:

1. First Aid must be present on the premises from 0100 hours (on any day when the premises are open at 0100 hours) until whichever is the earlier of:- (a) the time at which the premises next close; and (b) 0500 hours
2. A designated person who is the holder of a personal licence must be present on the premises from 0100 hours (on any day when the premises are open at 0100 hours) until whichever is the earlier of:-
  - (a) the time at which the premises next close; and
  - (b) 0500 hours or such other time as the Licensing Board may specify;

and the following special conditions:

- Alcohol may only be sold or supplied on the premises to persons taking table meals for consumption by such a person as an accompaniment to a meal.
- Alcohol for consumption off the premises to which this licence refers may only be sold as an accompaniment to a meal ordered for consumption off the premises or sold.

**8. Licensing (Scotland) Act 2005**  
**Applications for provisional premises licences**  
**Achd Ceadachd (Alba) 2005**  
**Iarrtas airson ceadachdan thogalaichean le cumha**

**8.1 Ref: HC/INBS/709**

**Applicant:** Cairngorm Gin Company, Caralan, Carr Road, Carr-Bridge, PH23 3AD

**Premises:** Cairngorm Gin Company, Unit 4, Granish Commercial Units, Granish Industrial Park, Aviemore, PH22 1QD

**Type:** On and off sales

There had been circulated Report No HLB/23/25 by the Clerk.

The Board **AGREED** to **GRANT** the application for a provisional premises licence subject to the mandatory conditions and local condition (g).

**8.2 Ref: HC/CSR/2134**

**Applicant:** Rhidorroch Distillery Limited

**Premises:** Rhidorroch Distillery, 6 Shore Street, Ullapool

**Type:** On and off Sales

There had been circulated Report No HLB/24/25 by the Clerk.

The applicant spoke in support of the application. The premises in Shore Street, Ullapool was family owned and currently under renovation. A bar, café and eaterie was due to open in July 2025, where local produce would be served. There was intention to move the distillery to Shore Street in 2026.

The premises would offer a multi-functional space, with local musicians, pop up catering, and an events space for classes. The workforce would increase locally from 2 to 20 people, with employment opportunities arising in waiting, catering, distilling, brewing and tourism.

In terms of outdoor drinking terminating at 2300 hrs, a local precedent had been set, and the Licensing Standards Officer (LSO) explained that this reflected the vibrant tourism, ferry and fishing trades that were ongoing in that particular part of Ullapool.

The Board **AGREED** to **GRANT** the application for a provisional premises licence subject to the mandatory conditions and local conditions (e), (m), and (o).

**9. Licensing (Scotland) Act 2005**  
**Applications for variation (major) to premises licences**  
**Achd Ceadachd (Alba) 2005**  
**Iarrtasan airson Caochladh (Mòr) a thaobh ceadachdan thogalaichean**

**9.1 Ref: HC/CSR/0300**

**Applicant:** Parkdean Holiday Parks Ltd, per Poppleston Allen, 37 Stoney Street, The Lace Market, Nottingham

**Premises:** Grannies Heilan Hame Holiday Park, Embo, Dornoch, IV25 3QD

**Type:** On and off sales

**Variation:**

1. Amend seasonal variation in line with Highland Licensing Board policy.
2. Add to other activities outdoor drinking facilities outwith core hours to allow hot drinks to be available to customers.
3. Update Children and Young Persons policy.
4. Amend the capacities as per proposed layout plans.
5. Amend the description of the premises.
6. Amend the layout plans to approve internal alterations and slight change in layout and increase the outdoor seating area. Add additional retail outlet which includes Scoops Ice-cream vendor and Joe's with Pizza selling hot food, hot drinks and alcoholic drinks for consumption off the premises. New fish and chip shop with outdoor seating area for use throughout the day.

There had been circulated Report No HLB/25/25 by the Clerk.

The applicant's solicitor spoke in support of the application and provided a background to the holiday park. Significant investment had been made to upgrade facilities and updates to the licence included seasonal variations, a change in layout plans, and an update to the capacity.

In terms of the local condition where external drinking should terminate at 2200 hrs, the solicitor raised a concern which included the following points:-

- this was a request for a major variation to an existing premises licence which had already successfully traded externally without restriction;
- the closest non-related resident was over 100 metres away;
- the 226 private owners had not experienced this before and it was asked why the condition was seen necessary at this stage;
- there was no background of complaint that would support the purpose of the licensing objectives; and

- the management and enforcement of this condition might cause more issues than actually not having the condition.

During discussion, various opinions were expressed, and the following points were raised:-

- in response to a question, and in relation to the previous agenda item where outdoor drinking terminated at 2300 hrs, the LSO stated this was because a local precedent had been set;
- the LSO stated he had no knowledge of any complaints in relation to noise. He felt there would be little impact on the nearest village, and that those affected by any noise would be holiday park users only;
- in response to a question, the solicitor confirmed that the holiday park core hours ran to 0100 hrs daily. It was felt that there should be no restriction on external drinking but they would be happy to accommodate a 2300 hrs or 2330 hrs termination time;
- while it was felt that 2200 hrs for holidaymakers enjoying the view was early, others felt it appropriate to follow the LSO's recommendations;
- various opinions were shared in terms of the park self-regulating any issues of noise and it was confirmed that the holiday park had detailed procedures in place; and
- in response to a question, the LSO highlighted the extension of the outdoor area, which meant a greater capacity.

Thereafter, Mr D Millar, seconded by Ms E Knox, **MOVED** to grant the application subject to mandatory conditions only.

As an **AMENDMENT**, Mr D Macpherson, seconded by Mrs J Hendry, moved to grant the application subject to local condition (m), amending the terminal hour of outdoor areas to 2300 hrs, in order to secure the licensing objective of preventing public nuisance.

On a vote being taken, the **MOTION** received 8 votes and the **AMENDMENT** received 2 votes, with no abstentions, and the **MOTION** was **CARRIED**, the votes having been cast as follows:-

**For the Motion:**

Dr C Birt, Mr J Bruce, Mr J Grafton, Mr S Kennedy, Ms E Knox, Ms K MacLean, Mr D Millar, Mr K Rosie.

**For the Amendment:**

Mrs J Hendry, Mr D Macpherson

**Decision**

The Board **AGREED** to **GRANT** the application for major variation of the premises licence subject to the existing conditions only.

**9.2 Ref: HC/INBS/63**

**Applicant:** Tesco Stores Limited, Tesco House, Shire Park, Kestrel Way, Welwyn Garden City, AL7 1GA

**Premises:** Tesco Metro, 8-10 Tomnahurich Street, Inverness, IV3 5DD

**Type:** Off sales

**Variation:**

1. Amending the statement in Question 5(f) (any other activities) contained within the Operating Plan, to the following:

"The premises may trade in the sale of products other than alcohol like food, including hot food and drinks, non-food items, and other household goods (groceries) within and outwith core licensed hours and may also provide ancillary consumer services up to 24-hours a day. These services may be provided at the premises or through an online customer delivery/collection service subject to consumer demand and the grant of any necessary statutory consents where required."

2. Amending Question 7 (Capacity of Premises) to 115.83 M2 (see details in 3(c) below).

3. There is a minor variation to the approved internal layout of the premises as per the latest drawing deposited with the Licensing Authority (enclosed with the application).

This results in a slight reduction of Q7 off sales capacity of the premises from 116 M2 to 115.83 M2 due to the remerchandising of the alcohol section. There are also sundry changes around the premises in relation to checkouts, and aisles following a refurbishment.

There had been circulated Report No HLB/26/25 by the Clerk.

The licensing manager spoke in support of the application.

Rapid home deliveries were ordered through an online platform. Drivers were informed when orders contained alcohol and were required to carry out the Challenge 25 process on the doorstep. If the customer could not provide identification when asked, the alcohol would be taken back to the store.

Further examples of why alcohol might be refused on the doorstep were provided. The last delivery was 2100 hrs and no orders were taken after this time. Regular meetings were held to ensure operations were as per Tesco operating procedures. Not everything was held in hard copy form as they worked digitally, however there was traceability for all products, which included if they were returned to store.

In response to a question regarding the refusal of alcohol on the doorstep, it was confirmed that the whole delivery would be returned to the store but an example was provided where a driver might use their discretion.

The Board **AGREED** to **GRANT** the application for major variation of the premises licence subject to the existing conditions and following special conditions:

- 1) You must keep delivery records (see below) on the premises and in the delivery vehicle.
- 2) No deliveries before 0600 hours or after 2400 hours.
- 3) All payments must be processed during licensed hours (1000 hours to 2200 hours).
- 4) Challenge 25 must be applied when delivering the alcohol.
- 5) The record keeping requirements are that a daybook must be kept at your despatch premises and a delivery book or invoice carried by the driver or courier must specify: (a) the quantity, description and price of alcohol, and (b) the name and address of the person to whom it is being delivered.

### **9.3 Ref: HC/CSR/1340**

**Applicant:** Brora Golf Club, Golf Road, Brora

**Premises:** Brora Golf Club, Golf Road, Brora, KW9 6QS

**Type:** On and off sales

#### **Variation:**

1. Change to full premises licence to allow access to the general public to make use of the bar and restaurant.
2. Extend on sales hours from 0900 hrs to 0100 hrs, with on sales before 1100 hrs only permitted when accompanying a substantial breakfast.
3. Amend off sales hours to commence at 1000 hrs on Monday to Sunday.
4. Amend layout plans to include proposed extension to the kitchen with additional storage room.
5. Amend description of the premises.
6. Amend and add to activities.
7. Amend Children and Young Persons policy.
8. Amend capacities for on and off sales.

There had been circulated Report No HLB/27/25 by the Clerk.

The applicant spoke in support of the application. The club wished to expand their offering to the local community and encourage more visitors to the town of Brora. The club was in a state of growth and the kitchen had recently been expanded. It was also said that an increase in trade would allow the club to offer career development.

The Board **AGREED to GRANT** the application for major variation of the premises licence subject to the existing conditions and local condition (e).

The meeting was adjourned briefly and reconvened at 10.40am.

### **9.4 Ref: HC/INS/231**



**Applicant:** Tesco Stores Limited, Tesco House, Shire Park, Kestrel Way, Welwyn Garden City, AL7 1GA

**Premises:** Tesco Store (Inshes), Milton of Inshes, Perth Road Inverness, IV2 3SY

**Type:** Off sale

**Variation:**

1. Amending the statement in Question 5(f) (any other activities) contained within the Operating Plan, to the following: "The premises may trade in the sale of products other than alcohol like food, including hot food and drinks, non-food items, and other household goods (groceries) within and outwith core licensed hours and may also provide ancillary consumer services up to 24-hours a day. These services may be provided at the premises or through an online customer delivery/collection service subject to consumer demand and the grant of any necessary statutory consents where required."

There had been circulated Report No HLB/28/25 by the Clerk.

The licensing manager confirmed that the operational processes were as previously described in agenda item 9.2.

The Board **AGREED** to **GRANT** the application for major variation of the premises licence subject to the existing conditions and following special conditions:

- 1) You must keep delivery records (see below) on the premises and in the delivery vehicle.
- 2) No deliveries before 0600 hours or after 2400 hours.
- 3) All payments must be processed during licensed hours (1000 hours to 2200 hours).
- 4) Challenge 25 must be applied when delivering the alcohol.
- 5) The record keeping requirements are that a daybook must be kept at your despatch premises and a delivery book or invoice carried by the driver or courier must specify: (a) the quantity, description and price of alcohol, and (b) the name and address of the person to whom it is being delivered.

**9.5 Ref: HC/INBS/339**

**Applicant:** Inchnacardoch Lodge Ltd, Inchnacardoch Lodge Hotel, Fort Augustus PH32 4BL

**Premises:** Inchnacardoch Lodge Hotel, Fort Augustus PH32 4BL

**Type:** On and off sales

**Variation:**

Changes to Operating plan:

1. To increase the hours from 11 am to 1 am each day.
2. To commence off sale hours from 11am on a Sunday.
3. To add Seasonal Variations so that the premises may take advantage of General Extensions, such as the Festive Period, agreed by the Board.

4. To add Indoor/ Outdoor Sports and Televised Sport as Activities.
5. To provide that certain Activities, including Conference Facilities, Restaurant Facilities, Receptions, Club or other Group Meetings, Recorded Music, and Outdoor Drinking Facilities, may take place outwith licensed hours, firstly taking into account that this is a Hotel operating 24 hours a day, but also that some facilities, such as Conference Facilities, Restaurant Facilities, Receptions, Club or other Group Meetings and Outdoor Drinking may be used prior to licensed hours commencing, and occasionally after licensed hours. Other Activities including Restaurant Facilities, Music and Televised Sport may take place at any time during the 24 hour period, as the reception is staffed all night, and guests will have access to Televised Sport in their rooms. There is also 24 hour room service.
6. The following will be added as additional Activities namely: Outside Catering (which may include alcohol), and Deliveries (which may include alcohol).
7. To clarify the access arrangements regarding children and young persons. Children and young persons will have access to the premises if accompanied by an adult. Children and young persons who are staying in the Hotel will have access at all times, other than to the bar area, which they must vacate by 10pm. Young persons will have access at all times. Children and young persons who are not resident may remain in the premises without restriction, subject to management discretion. The same applies for children and young persons attending a private pre-booked function. They may remain until the end of the function, subject to management discretion. Children and young persons of all ages may have access. Children will be required to vacate the bar by 10pm but otherwise may remain until the end of licensed hours (if non-resident) and remain on the premises with an adult if they are resident. They will have access to all public areas.

Changes to Licence:

8. To change the description to "The premises consist of Hotel premises with eating and drinking facilities. The premises are accessed by a long private Driveway, and there are outdoor drinking facilities."

There had been circulated Report No HLB/29/25 by the Clerk.

The applicant's solicitor spoke in support of the application. Changes to the licence were required following a transfer of the licence and internal reorganisation. All changes were within policy and the conditions were accepted.

The Board **AGREED** to **GRANT** the application for a major variation to the premises licence subject to the existing conditions, local conditions (m), (n), (i), (o), and (p), and the following special conditions:

- You must keep delivery records (see below) on the premises and in the delivery vehicle
- No deliveries before 6am or after midnight.
- All payments must be processed during licensed hours (10am to 10pm)
- Challenge 25 must be applied when delivering the alcohol.
- The record keeping requirements are that a daybook must be kept at your despatch premises and a delivery book or invoice carried by the driver or

courier must specify: (a) the quantity, description and price of alcohol, and (b) the name and address of the person to whom it is being delivered.

#### **9.6 Ref: HC/INBS/553**

**Applicant:** Macdonald Resorts Limited, Crutherland House and Spa, Strathaven Road, East Kilbride, G75 0QJ

**Premises:** Macdonald Spey Valley Golf Club, Dalfaber Village, Dalfaber Drive, Aviemore, PH22 1PN

**Type:** on and off sales

#### **Variation:**

1. On sales to commence at 1100 hours on Sunday rather than 1230 hours.
2. Off sales to commence at 1000 hours on Sunday rather than 1230 hours.

There had been circulated Report No HLB/30/25 by the Clerk.

In response to a question, the LSO confirmed there was no outdoor drinking, nor was there a proposal to have any.

The Board **AGREED** to **GRANT** the application for a major variation of the premises licence subject to the standard conditions only.

#### **9.7 Ref: HC/INBS/546**

**Applicant:** Aldi Stores Ltd, Holly Lane, Atherstone, Warwickshire, CV9 2SQ

**Premises:** Aldi, Inshes Retail Park, Inverness, IV2 3TW

**Type:** off sales

#### **Variation:**

1. Add 'recorded music' as permitted activity, during and outwith licensed hours.
2. Add wording at Q5 to read: 'background music may be played during and outwith hours'.
3. Amend wording at Q5(f) to read: 'sale of other goods consistent with the business of a supermarket, including outwith core hours. Home deliveries, click & collect service, and on-line sales may also take place.'
4. Amend off sales capacity to 39.03676 M2.
5. Reconfiguration of store and extension of off-sales display area, resulting in an increase in capacity from 31.51426 M2 to 39.03676 M2, as part of store refurbishment.

There had been circulated Report No HLB/31/25 by the Clerk.

A late objection from NHS Highland had been received and an explanation for the delay was provided by the Clerk.

Thereafter, the Board and the applicant's solicitor **AGREED** to hear the objection and it was read aloud by the Clerk.

The solicitor spoke in support of the application.

The supermarket had been selected for refurbishment and works were planned for later in the year. The works would include changes and upgrades to various fixtures, fittings and shelving units. Alcohol display units were to be upgraded in line with other upgraded stores and an additional unit was planned.

The operating plan was to be refreshed and the solicitor was happy to accept the delivery conditions as stated in the LSO's report.

The solicitor made reference to the Licensing Board's overprovision policy, which had been highlighted in the objection raised by NHS Highland. It was said that no data in relation to the area, or any other justification for the objection, had been provided. The objection also included the name of another supermarket.

It was said that the overprovision policy allowed for applications to be granted as exceptions, if it could be shown that granting would not undermine the licensing objectives. Thereafter, the solicitor addressed each objective and detailed, with examples, how the supermarket complied with and promoted the licensing objectives.

In terms of overprovision, the solicitor questioned the evidence and data used to justify the reduction from 40m<sup>2</sup> to 30m<sup>2</sup> in the Highland Licensing Board Policy Statement 2023-28 and the supporting NHS Highland report. Reference was made to both documents and it was suggested that the reduction was an error.

The solicitor also pointed out that the square footage requested in this application remained less than what other local supermarkets currently had.

In response to a question regarding how many litres of alcohol might increase with the upgraded shelving, the solicitor explained they use square footage only.

During discussion, various views were expressed. Some felt the requested increase was of little significance, while others felt consistency was required. There was a discussion regarding grandfather rights and clarification was provided by the Clerk. It was also said that deaths in the Highlands through alcohol were huge.

Thereafter, Dr C Birt, seconded by Mr D Millar, **MOVED** to grant the application on the basis that it would not be contrary to any of the licensing objectives.

As an **AMENDMENT**, Mrs J Hendry, seconded by Mr K Rosie, moved to refuse the application on the grounds that to grant the application would result in an overprovision in the area.

On a vote being taken, the **MOTION** received 2 votes and the **AMENDMENT** received 6 votes, with 1 abstention, and the **AMENDMENT** was **CARRIED**, the votes having been cast as follows:-

**For the Motion:**

Dr C Birt, Mr D Millar

**For the Amendment:**

Mr J Grafton, Mrs J Hendry, Ms E Knox, Mrs K MacLean, Mr D Macpherson, Mr K Rosie

**Abstension:**

Mr S Kennedy

**Decision**

The Board **AGREED** to **REFUSE** the application for a major variation of the premises licence as the Board considered that, if the application were to be granted, there would be, as a result, overprovision of licensed premises (taking into account of the variation) in the locality in terms of section 30(5)(d) of the Licensing (Scotland) Act 2005.

The reason being, that the grant of the variation sought would result in an increase in that off-sales capacity, being a premises which already had an off sales capacity in excess of 30 square metres, and, therefore, contrary to the overprovision policy contained within the Highland Licensing Board Licensing Policy Statement 2023-28.

Members were not satisfied that there was sufficient evidence before them to rebut the presumption against the grant of the application in terms of their overprovision policy.

Members agreed that the applicant could make a further application in respect of the same premises licence and seeking the same variation within 12 months from the date of refusal in terms of s.32(3)(a) of the Licensing (Scotland) Act 2005.

**10. Application for personal licence  
Iarrtas airson ceadachd phearsanta**

**10.1 Applicant:** Gary John Stewart

There had been re-circulated Report No HLB/18/25 by the Clerk.

This item had been deferred during the last meeting of the Board, to allow a second opportunity for the applicant to attend. The applicant did not attend this meeting and the item was heard in his absence.

The Board heard from the Licensing Sergeant who advised, in terms of Section 73 (3) (b) of the Licensing (Scotland) Act 2005, that the applicant had been convicted of a relevant offence. Information was provided in relation to the offence and the Police recommended the Board refused the application.

Information was sought, and provided, regarding the offence.

During discussion, the following points were raised:-

- some felt that the applicant was not a fit and proper person, and reasons were provided;
- there was disappointment that the applicant had not attended in person but his attendance was not mandatory;
- the offence occurred 3 years ago; and
- the applicant would undergo training where he would learn about preventing crime and disorder.

Thereafter, Mr J Grafton, seconded by Mrs J Hendry, **MOVED** to refuse the application on the grounds that the applicant was not a fit and proper person to hold a licence due to the nature and seriousness of the conviction as outlined by Police Scotland in their letter dated 15 January 2025.

As an **AMENDMENT**, Mr S Kennedy, seconded by Dr C Birt, moved to grant the application for a personal licence.

On a vote being taken, the **MOTION** received 4 votes and the **AMENDMENT** received 3 votes, with 1 abstention, and the **MOTION** was **CARRIED**, the votes having been cast as follows:-

**For the Motion:**

Mr J Grafton, Mrs J Hendry, Mrs K MacLean, Mr K Rosie

**For the Amendment:**

Dr C Birt, Mr S Kennedy, Mr D Millar

**Abstension:**

Mr D Macpherson

**Decision**

The Board **AGREED** to **REFUSE** the application for a personal licence as, having regard to the licensing objective of preventing crime and disorder, the applicant was not a fit and proper person to hold a licence due to the nature and seriousness of the conviction as outlined by Police Scotland in their letter dated 15 January 2025.

The meeting closed at 11.40am.