

The Highland Licensing Board

Meeting – 13 May 2025

Agenda Item	9.1
Report No	HLB/43/25

Application for personal licence – Jordon Longmuir

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 26th February 2025 an application for a personal licence was received for Jordon Longmuir.
- 1.3 Under section 73 of the Act, Police Scotland have timeously given notice confirming that the applicant has convictions for relevant or foreign offences. A copy of the notice received from Police Scotland dated 19th March 2025 is attached (Appendix 1).
- 1.4 Police Scotland have included in their notice a recommendation under section 73(4) that the personal licence application be refused.

They have 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/CSR/9480

Author: A Merchant

Date: 20/03/2025

Appendices: Appendix 1 - Letter from Police Scotland dated 19/03/2025

19/03/2025

Your Ref:

Our Ref: 902909

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. JORDON LONGMUIR, 07/12/1999. 51 HENDERSON STREET, ORMLIE, THURSO, KW14 7LD.

I refer to the above application.

In terms of Section 73(3)(b) of the Licensing (Scotland) Act 2005 (the 2005 Act) I give notice that, based upon the information provided and as far as the Chief Constable is aware, the applicant has been convicted of the following relevant offence. This conviction was not declared in the application.

Date	Court	Crime/Offence	Disposal
03/11/2022 PSSNERM9R0822	Wick: Sheriff Court	Charge 1 - Culpable and Reckless Conduct Charge 2 - Section 38 (1) Criminal Justice and Licensing (Scotland) Act 2010 – domestic abuse aggravation (threatening and/or abusive	Sentence deferred to 30/11/2022 then Charge 1 – compensation order £20, fine £270, victim surcharge £40. Charge 2 – Non harassment order 9 months – refrain from contacting or attempting to contact or approach

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		behaviour).	victim in any way, Fine £270. In 08/03/2023 – non harassment order revoked.
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I am unable to confirm the existence of any foreign offence in respect of the applicant.

In terms of Section 73(5) of the 2005 Act the Chief Constable provides the following information in relation to the applicant which is relevant to the Board's consideration of the application: -

PSSNERM9R0822

The applicant and victim are ex partners. They are associates with the witnesses 1 and 2. All know each other.

On the evening of the 25th of August 2022, the victim was driving in the Thurso area in her vehicle with witness 1 in the front passenger seat. Witness 2 was also in the area driving his vehicle.

Around 11.30pm the witness 2 left the Thurso Harbour area in his vehicle, followed behind by the victim in her vehicle, with witness 1 still in the front passenger seat.

Witness 2 heard a loud bang appearing to come from something hitting his windscreen. This did not smash. Immediately after this the witness 2 observed the applicant standing nearby at a grassy area and then throw an item which smashed the driver's side window. Witness 1 observed the applicant throw an item, possibly a bottle, at the vehicle of witness 2.

As the victim continued slowly passed the applicant on the roadway, he spat towards the driver's side window which was lowered and kicked the vehicle. The vehicle was not damage and the spittle did not connect with the victim.

The victim and witness 1 heard the applicant then shout, "That's his window smashed because of you" towards the victim.

They contacted police.

Police obtained information from the victim and witnesses and thereafter attended at the home address of the applicant where he was arrested.

The victim and witnesses believed the offences were motivated by the belief of the applicant that the witness 2 and the victim were now in a relationship.

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The applicant was later released from Police custody and required to attend court on the 20th of September 2022.

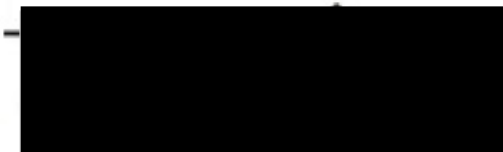
At Wick Sheriff Court on the 3rd of November 2022 the applicant was convicted of Culpable and Reckless Conduct and Section 38 (1) Criminal Justice and Licensing (Scotland) Act 2010 – domestic abuse aggravation (threatening and/or abusive behaviour).

Sentence was deferred to the 30th of November 2022 then the applicant was subject to a compensation order of £20, fined £270 and subject to a victim surcharge of £40 in respect of the Culpable and Reckless Conduct. The applicant was subject to a Non harassment order of 9 months – refrain from contacting or attempting to contact or approach victim in any way and fined £270 in respect of the conviction for Section 38 (1) Criminal Justice and Licensing (Scotland) Act 2010.

On the 8th of March 2023 the non-harassment order was revoked.

In light of the above, the Chief Constable considers that it is necessary for the purposes of the preventing crime and disorder and securing public safety licensing objectives that the application be refused. The Chief Constable accordingly makes a recommendation to that effect in terms of section 73(4) of the 2005 Act.

Yours faithfully

A large black rectangular redaction box covering the signature area.

Chief Superintendent Rob Shepherd
Divisional Commander