

The Highland Licensing Board

Meeting – 5 August 2025

Agenda Item	10.1
Report No	HLB/66/25

Hearing to consider notification of conviction
Personal licence holder – Kugathas Kandasamy

Report by the Clerk to the Licensing Board

Summary

This report relates to a hearing under Section 83 of the Licensing (Scotland) Act 2005 following notification of a conviction received from Police Scotland relating to Kugathas Kandasamy who is the holder of a personal licence granted by Perth and Kinross Licensing Board (PK4283).

1. Background

- 1.1 A personal licence is required to allow any individual to supervise or authorise the sale of alcohol.
- 1.2 Kugathas Kandasamy was granted a personal licence by Perth and Kinross Licensing Board on 4 December 2024 and, subject to the terms of the Act, the licence will expire on 3 December 2034.
- 1.3 In terms of Section 82 of the above Act, the holder of a personal licence is required, not later than one month after the date of conviction, to give notice of the conviction to the Licensing Board. Perth and Kinross Licensing Board have confirmed that Mr Kandasamy has complied with this requirement.
- 1.4 As Mr Kandasamy is currently the designated premises manager of Fort William Service Station, An Aird Road, Fort William, PH33 6AN, the Perth and Kinross Licensing Board notified the Highland Licensing Board on 9 June 2025 of Mr Kandasamy's conviction.
- 1.5 Police Scotland have confirmed by letter dated 17 June 2025 to Perth and Kinross Licensing Board, that personal licence holder Kugathas Kandasamy was convicted of a relevant offence on 1 May 2025. A copy of this letter is attached as **Appendix 1**.
- 1.6 The personal licence holder, Mr Kandasamy and a representative from Police Scotland have been invited to attend the hearing. Both have been advised of the hearings procedure which will be followed at the meeting and which may also be viewed via the following link:

http://www.highland.gov.uk/downloads/download/428/liquor_licence_objections_appeals_notices_of_determination

2. Legal Position

- 2.1 As Mr Kandasamy is currently the designated premises manager of a licensed premises within the Highland Licensing Board area, it is primarily the responsibility of the Highland Licensing Board to take any action (if any), as it is the 'relevant Licensing Board' under the legislation.
- 2.2 The Board may have regard only to "relevant" convictions. These relevant convictions are identified in the Licensing (Relevant Offences) Scotland Regulations 2007. Police Scotland have confirmed in the notice that the conviction is for a relevant offence.
- 2.3 At the hearing, the Board may, after giving the licence holder and Police Scotland an opportunity to be heard, and having had regard to the conviction and the recommendation contained in the Police Scotland notice, 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.
- 2.4 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.
- 2.5 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/RSL/2114

Date: 23 July 2025

Author: Julie Traynor

Appendices: Appendix 1 - Letter from Police Scotland dated 17 June 2025

17/06/2025

Your Ref: PK4283

Our Ref: 240873

The Clerk to the Licensing
Board
Perth & Kinross Council
2 High Street
PERTH
PH1 5PH



Tayside Division Headquarters
West Bell Street
Dundee
DD1 9JU

FOR THE ATTENTION OF Claire McArthur

Dear Madam,

**LICENSING (SCOTLAND) ACT 2005 - PERSONAL LICENCE HOLDER DUTY
TO NOTIFY LICENSING BOARD OF CONVICTIONS. KUGATHAS
KANDASAMY, [REDACTED]**

I refer to the above and your correspondence. In terms of Section 83(4)(b) of the Licensing (Scotland) Act 2005, I have to advise you that KUGATHAS KANDASAMY has been convicted of the following relevant offence.

Date	Court	Crime/Offence	Disposal
01/05/2025	Hamilton JP	Section 5 (1) A Road Traffic Act 1988	Disqualified from driving for 12 months, licence endorsed, fined £360 and a victim surcharge of £20.

The circumstances around this conviction are as follows.

About 11pm on the 18th of October 2024, Police Officers were carrying out static speed checks on Airbles Road, Motherwell when they observed a vehicle travelling at a speed of 47 miles per hour, the limit being 30 miles per hour.

The vehicle was stopped by officers, and the driver was identified as being Mr Kandasamy. Within the vehicle were his two young children, aged 8 and 10, with one being in the passenger seat and the other in a rear seat.

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Upon speaking with Mr Kandasamy Officers noted that his eyes appeared glazed with a smell of alcohol emanating from him. He was therefore required to provide a specimen of breath for analysis in terms of Section 6 of the Road Traffic Act 1988.

He provided a reading of 33 microgrammes of alcohol per 100 millilitres of breath, the limit being 22 microgrammes.

He was thereafter arrested and conveyed to Motherwell Police Office where he was required to provide a further 2 breath specimens for analysis with a lower reading of 28 microgrammes per 100 millilitres of breath.

He was thereafter released to appear at court at a later date and convicted as detailed.

Police Scotland make no recommendation in relation to this application and invite the board to consider all options available to them.

I am unable to confirm the existence of any foreign offence in respect of KUGATHAS KANDASAMY.

Yours faithfully

A large black rectangular box redacting the signature of the Chief Superintendent.

Chief Superintendent Rob Shepherd
Divisional Commander