

The Highland Licensing Board

Meeting – 31 March 2026

Agenda Item	9.1
Report No	HLB/21/26

Premises licence review hearing

Review application under section 36(1) of the Licensing (Scotland) Act 2005

Maryburgh Stores, Proby Street, Maryburgh, Dingwall, IV7 8DU

Report by the Clerk to the Licensing Board

Summary

This report relates to a premises licence review hearing under section 38 of the Licensing (Scotland) Act 2005 following submission to the Board of a premises licence review application under section 36(1) of the Act.

1. Background

- 1.1 An application has been received under section 36 of the Licensing (Scotland) Act 2005 from Police Scotland for a review of the existing premises licence for the premises known as Maryburgh Stores, Proby Street, Maryburgh. The premises licence HC/CSR/1252 is held by Priyanka Selvachandran.
- 1.2 The review application, dated 12 March 2026, is appended to this report (**Appendix 1**).

The alleged grounds for review and the information considered by the review applicant to support these grounds are as set out in the review application. In terms of section 36(6) of the Act, the Clerk to the Board is satisfied that the review application is neither frivolous nor vexatious and that it discloses matters relevant to one or more of the alleged grounds for review, which is one of the statutory grounds for review. A premises licence review hearing is accordingly necessary.

- 1.3 The Licensing Standards Officer for the area in which the premises are situated has been sent a copy of the review application in accordance with section 38(3) of the Act and has submitted a report on it which is also appended (**Appendix 2**).
The Board must take this report into account at the hearing.
- 1.4 The premises licence holder has also been sent a copy of the review application. The premises licence holder, a representative from Police Scotland and the Licensing Standards Officer have been invited to attend the hearing. They have been advised of the hearing procedure which will be followed at the meeting and which may also be viewed via the following link:

2. Legal position

2.1 Grounds for review

2.1.1 The statutory grounds for review of a premises licence are set out in subsections 36(3)(za) to (b) of the Act. They are-

36(3)(za) that, having regard to the licensing objectives, the licence holder is not a fit and proper person to be the holder of a premises licence,

36(3)(a) that one or more of the conditions to which the premises licence is subject has been breached, or

36(3)(b) any other ground relevant to one or more of the licensing objectives.

2.1.2 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.

2.1.3 Where the ground alleged in the review application is that specified in subsection 36(3)(za), the application must include a summary of the information on which the applicant's view that the alleged ground applies is based.

Where the ground alleged is that specified in subsection 36(3)(a), the application must include notice of the condition or conditions alleged to have been breached.

Where the ground alleged is that specified in subsection 36(3)(b), the application must include notice of the licensing objective or objectives to which the alleged ground of review relates.

These requirements have been met in the review application.

2.2 The Board's powers in respect of the premises licence

2.2.1 In terms of section 39(1) of the Act, at a premises licence review hearing the Board may, if satisfied that a ground for review is established (whether or not on the basis of any circumstances alleged in the premises licence review application considered at the hearing), decide

- to take no action, or
- to take such of the steps mentioned in section 39(2) of the Act as the Board consider necessary or appropriate for the purposes of any of the licensing objectives.

2.2.2 Those steps are-

- (a) to issue a written warning to the licence holder,
- (b) to make a variation of the licence for such period as the Board may determine,
- (c) to suspend the licence for such period as the Board may determine,
- (d) to revoke the licence.

2.2.3 However, this is subject to the requirement in section 39(2A) that where the Board are satisfied that the ground for review specified in subsection 36(3)(za) is established (i.e. the ground that the licence holder is not a fit and proper person to hold the licence), the Board must revoke the licence.

2.2.4 A revocation under section 39(2A) takes effect at the end of the period of 28 days beginning with the day on which the Board makes the decision, unless the revocation is recalled by the Board. It must be recalled if the Board either grants an application under s33 for the transfer of the premises licence, or grants a premises licence variation application seeking a variation which the Board considers would remove the ground on which the licence was revoked under section 39(2A). The transfer or variation application must be received within the 28-day period, but the Board may then extend the 28-day period pending determination of the application.

2.2.5 Should the Board make a variation under section 39(2)(b) or suspend the licence under section 39(2)(c), the Board may subsequently revoke the variation or suspension, on the application of the licence holder, if satisfied that, by reason of a change of circumstances, the variation or suspension is no longer necessary.

2.3 Additional action in relation to personal licence holder working in the premises

2.3.1 In the course of a premises licence review hearing the Board may also make a finding in respect of any personal licence holder who is or was working in the premises that the personal licence holder concerned, while working in the premises, acted in a manner which was inconsistent with any of the licensing objectives. This is subject to a separate report.

Recommendation

The Board is invited to hear from the representative of Police Scotland, the Licensing Standards Officer and the premises licence holder and then-

- (a) to decide whether they are satisfied that any of the grounds for review set out in section 36(3) of the Act, and listed at **paragraph 2.1.1** above, are established and, if so
- (b) to decide whether they consider it necessary or appropriate for the purposes of any of the licensing objectives to take any of the steps set out in section 39(2) of the Act and listed at **paragraph 2.2.2** above. In this regard, the Board must specify the licensing objective(s) in question.

If the Board is satisfied that the ground for review specified in section 36(3)(a) is established, the Board must revoke the premises licence, as explained at **paragraph 2.2.3** above.

Reference: HC/CSR/1252

Date: 17 March 2026

Author: L Gunn

Appendices: Appendix 1 – Premises licence review application dated 12 March 2026

Appendix 2 – Licensing Standards Officer's report dated 17 March 2026

12/03/2026

Your Ref: HC/CSR/1252

Our Ref: 22369

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 Madam,

LICENSING (SCOTLAND) ACT 2005 - SECTION 36. PREMISES LICENCE REVIEW APPLICATION LICENCE NO: HC/CSR/1252 PREMISES: MARYBURGH STORES, PROBY STREET, MARYBURGH, DINGWALL, IV7 8DU. PREMISES LICENCE HOLDER: PRIYANKA SELVACHANDRAN

In terms of section 36(1) of the Licensing (Scotland) Act 2005 I hereby make application to the Highland Licensing Board for a review of the premises licence in respect of the premises known as MARYBURGH STORES PROBY STREET, MARYBURGH, DINGWALL, HIGHLAND, IV7 8DU.

This application for review is made in terms of Section 36(3) (b) on grounds relevant to one or more of the licensing objectives as articulated at Section 4(1) of the 2005 Act, namely:

- Preventing crime and disorder
- Protecting Children and Young Persons from Harm

In support of this application, and in terms of section 36(5A) the following information is provided for your consideration: -

Ms Selvachandran is the Premises Licence Holder and the Designated Premises Manager of Maryburgh Stores, Proby Street, Maryburgh, IV7 8DU since 2019.

Ms Selvachandran has received a Procurators Fiscal Warning in relation to an alleged offence under Section 103 (1) and 141B Licensing (Scotland) Act 2005 with a child aggravation. (Allowing the sale of alcohol to someone under 18).

PSSNER7QN0825

OFFICIAL

On the 3rd of July 2025, around 4.20pm, a child, 14 years of age, entered Maryburgh Stores, selected and then placed two cans of the alcoholic beverage "Dragon Sloop", with an ABV content of 7.5%, onto the countertop. A staff member sold the alcohol to the child. The child provided to Police that they were not challenged for identification during the transaction. The parent of the child later became aware that this had occurred and contacted Police.

On the 6th of July 2025, officers attended the store and met with the staff member who had sold the alcohol to the child. The staff member advised Police that he did ask the child for identification, but the child could not provide it. Due to the belief the child was over 18 they sold the alcohol to them regardless.

CCTV was reviewed which confirmed the sale of alcohol without any viewing of identification from the child. The staff member was advised of the offence and that he would be reported to the Procurator Fiscal for consideration of prosecution.

Ms Selvachandran was thereafter contacted and apprised of the circumstances and subsequently informed that she would be reported for the matter as she is the designated licenced premises manager and premises licence holder. In this capacity Ms Selvachandran holds ultimate responsibility for the sale of alcohol in the store.

Police informed the Licensing Standards Officer for the area of the incident who carried out compliance visits with the premises.

On the 19th of December 2025 Ms Selvachandran received a Procurators Fiscals Warning in relation to the incident.

On the 12th of March 2025 Police Licensing attended the store to check age verification policies as well as staff training records in respect of being able to sell alcohol in the store. At this time all was in order with the documentation which had been recently refreshed from viewing the records available. The staff member who had sold the alcohol to the child has recently undergone further training in respect of selling alcohol within the store. Ms Selvachandran was immediately available to assist Police whilst they carried out the licenced premises visit.

I request that the Licensing Board considers the aforementioned grounds for review and takes such steps as it considers necessary or appropriate for the purposes of the Licensing Objectives under the terms of Section 39(2) or 39(2A) of the Act.

Yours faithfully

OFFICIAL



Chief Superintendent Rob Shepherd
Divisional Commander

APPLICATION FOR REVIEW OF PREMISES LICENCE

This is an application for review of the premises licence for Maryburgh Stores, Proby Street, Maryburgh, Dingwall. The holder of the premises licence is Priyanka Selvachandran. The review application is made by Police Scotland under Licensing (Scotland) Act 2005 – Section 36.

Background

Maryburgh Stores, Maryburgh is a licensed General Grocery shop situated on Proby Street, Maryburgh. It sells a range of usual grocery products as well as alcohol for off sales.

Licensing Standards Officer's comments

On 15th July 2025 I was made aware by Police Scotland Officers that there had been an incident relating to these premises, when a member of staff had sold alcohol to an under aged person

On 17th July 2025 I carried out a licensed premises check of the shop and checked training records and signage required to be in place under the Licensing (Scotland) Act 2005. At the time I spoke to the husband of the premises licence holder Mr Anthony Selvachandran and pointed out some minor issues with signage.

On 24th July 2025, I returned to the premises and found all signage and records to be in order.

I took no further part in the police enquiry.

Garry Cameron
Licensing Standards Officer
17th March 2026