

The Highland Licensing Board

Meeting – 12 May 2026

Agenda Item	10.1
Report No	HLB/52/26

Application for personal licence – Luke Sinclair

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 9 April 2026, an application for a personal licence was received from Luke Sinclair.
- 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 23 April 2026 is attached (Appendix 1).
- 1.4 Police Scotland have not included in their notice a recommendation under section 73(4) that the personal licence application be refused.

They have not 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/RSL/9959

Author: Mairi Lamont

Date: 28 April 2026

Appendices: Appendix 1 - Letter from Police Scotland dated 23 April 2026

23/04/2026

Your Ref: FS824872027

Our Ref: 1004810

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. LUKE ROBIN PATRICK SINCLAIR, [REDACTED]

I refer to the above application and in terms of Section 73(3)(b) of the Licensing (Scotland) Act 2005, I have to advise you that, based upon the information provided to Police Scotland, the applicant has been convicted of the following relevant offence. This was not declared.

Date	Court	Crime/Offence	Disposal
21/06/2023	Dumbarton: Sheriff	Section 38 (1) Criminal Justice and Licensing (Scotland) Act 2010 Aggravation: Domestic	Sentence deferments then on 17/10/2023 community payback order 12 months supervision with 92 hours unpaid work to be completed within 6 months.

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:-

OFFICIAL

On the 19th of June 2023 in Bonhill, Dumbarton the applicant behaved in a threatening and abusive manner which caused the victim fear and alarm by shouting, swearing and throwing objects towards the victim.

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

Yours faithfully



Chief Superintendent David Ross
Divisional Commander