

The Highland Licensing Board

Meeting – 12 May 2026

Agenda Item	11.2
Report No	HLB/53/26

Hearing to consider Police Scotland report of conduct inconsistent with licensing objectives

Personal licence holder – Andrew Koger (HC/CSR/7556)

Report by the Clerk to the Licensing Board

Summary

This report relates to a hearing under section 84A of the Licensing (Scotland) Act 2005. This is a mandatory hearing which the Board must hold following receipt from Police Scotland of a report advising that the Chief Constable considers that a personal licence holder has acted in a manner inconsistent with any of the licensing objectives.

1. Background

- 1.1 A personal licence is required to allow any individual to supervise or authorise the sale of alcohol.
- 1.2 Andrew Koger was granted a personal licence on 2 July 2021 and, subject to the terms of the Act, the licence will expire on 1 July 2031.
- 1.3 In terms of section 84A of the Act, Police Scotland have submitted to the Board a report dated 16 April 2026 that the Chief Constable considers that personal licence holder, Andrew Koger, has acted in a manner inconsistent with the following licensing objectives:
 - preventing crime and disorder; and
 - securing public safety.

A copy of this report detailing the conduct in question is attached (**Appendix 1**).

Section 84A(2) of the Act provides that where the Board receives from Police Scotland a report of this nature, the Board must hold a hearing.

- 1.4 The personal licence holder, Andrew Koger, and a representative from Police Scotland have been invited to attend the hearing. Both have been advised of the hearing procedure which will be followed at the meeting and which may also be viewed via the following link:

Highland Licensing Board - Hearings

2. Legal position

- 2.1 At the hearing, the Board may, after giving the licence holder, Police Scotland and such other persons as they consider appropriate an opportunity to be heard, 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. Alternatively, the Board may decide to take no action.
- 2.2 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.
- 2.3 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 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/CSR/7556
Date: 22 April 2026
Author: A Merchant

Appendix 1 - Letter from Police Scotland dated 16 April 2026

16/04/2026

Your Ref: HC/CSR/7556

Our Ref: 185721

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 84A. REPORT OF CONDUCT INCONSISTENT WITH LICENSING OBJECTIVES.

PERSONAL LICENCE HOLDER: ANDREW KOGER, [REDACTED]

The Chief Constable hereby reports to the Licensing Board in terms of Section 84A of the Licensing (Scotland) Act 2005 that Andrew Koger has acted in a manner which is inconsistent with the licensing objective(s) articulated at Section 4(1) of Act, namely:

- Preventing Crime and Disorder
- Securing Public Safety

The following information is provided for the Board's consideration.

Mr Koger has been convicted of the following offence

Date	Court	Crime/Offence	Disposal
23/02/2026	Tain Sheriff Court PSSNERBJW0226	Section 5(1) (A) Road Traffic Act 1988.	Fine £500, disqualified 12 months. licence endorsed, victim surcharge £20.

OFFICIAL

On Thursday 5th February 2026, around 10.50pm, Police were on uniformed mobile patrol and observed a vehicle driving in a dangerous manner. It was observed that the vehicle was bouncing from the verge to crossing the white lines in the middle of the road and nearly collided with stationary vehicles.

Police stopped the vehicle and found Mr Koger to be the driver. They noted a strong smell of alcohol on his breath and from his demeanour it was apparent that he was intoxicated. Mr Koger failed the roadside breath test and was duly arrested.

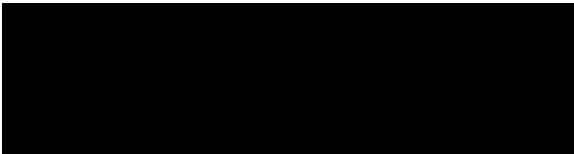
At 00.21am, now Friday the 6th of February 2026 Police carried out station procedures whereby Mr Koger blew a low reading of 66 micro-grammes of alcohol to 100 millilitres of breath.

Mr Koger was released on undertaking conditions to attend at Tain Sheriff Court on the 23rd of February 2026 where he was convicted.

It is Chief Constable's view is that the Board should consider all the options open to them under Section 84(7) or 84(7A) of the Act.

In signing this report, I confirm that this report is made under the authority of the Chief Constable of Police Service of Scotland:

Signed:

A large black rectangular redaction box covering the signature of the Chief Superintendent.

Chief Superintendent David Ross
Divisional Commander

Date: 16/04/2026