

The Highland Licensing Board

Meeting – 27 October 2026

Agenda Item	10.1
Report No	HLB/98/26

Application for personal licence – Derek John Brown

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 4 September 2026, an application for a personal licence was received from Derek Brown.

1.3 Police Scotland – notice of conviction

Under section 73 of the Act, notice of the application was given to Police on 4 September 2026. Police Scotland are required to respond within 21 days of receipt of the notice, namely by 25 September 2026. A response was received from Police Scotland on 6 October 2026, after the expiry of the statutory 21 day consultation period.

1.4 As the notification has been received outwith the 21 day consultation period, details of the notice of conviction have not been circulated. Under section 135 of the Act, the Board may, having heard from Police Scotland and the applicant, consider the late notification if satisfied that:

- (a) the failure is due to mistake, oversight or other excusable cause, and
- (b) the Board considers it appropriate in all the circumstances to relieve the failure to meet the deadline.

The late notification will be circulated if the Board agrees to consider it.

1.5 Licensing Standards Officer

Under section 73A of the Act, the Licensing Standards Officer ("LSO") was also 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. 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://highland.gov.uk/hlb_hearings

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 consider whether or not to accept the late notice of conviction and thereafter 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/10160
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Date: 08 October 2026