

The Highland Licensing Board

Meeting – 27 October 2026

Agenda Item	11.1
Report No	HLB/99/26

Transfer of premises licence under section 33 of the Licensing (Scotland) Act 2005

Old Market Inn, 32 Church Street, Inverness, IV1 1EH

Report by the Clerk to the Licensing Board

Summary

This report relates to a hearing under section 33 of the Licensing (Scotland) Act 2005 in respect of an application for the transfer of an existing premises licence. This is a mandatory hearing which must take place following receipt from Police Scotland of a notice under section 33(6) confirming that the transferee, or any connected person, has been convicted of a relevant or foreign offence and/or including a recommendation that the transfer be refused and/or including any information which they consider may be relevant to consideration by the Board of the application.

1. Background

- 1.1 An application has been received under section 33 of the Licensing (Scotland) Act 2005 for the transfer of the existing premises licence for the premises known as Old Market Inn, 32 Church Street, Inverness.
- 1.2 The applicant, John Henderson Shepherd, seeks the transfer of the licence to INVR 1746 Ltd (the transferee).
- 1.3 In response to the application, Police Scotland have submitted to the Board a notice on behalf of the Chief Constable under section 33(6) dated 01 October 2026, a copy of which is attached (Appendix 1).

The notice confirms that the transferee has been convicted of a relevant offence.

The notice does not include a recommendation under section 33(7) that the Chief Constable considers it necessary for the purposes of one or more of the licensing objectives that the application for the transfer of the licence to the transferee be refused.

No further information in relation to the transferee which the Chief Constable considers may be relevant to consideration by the Board of the application under section 33(7A) is included in the notice.

Section 33(9) of the Act requires that the Board hold a hearing where the notice received from Police Scotland either confirms that the transferee has been convicted of a relevant offence, or includes a recommendation that the transfer application be refused, or includes any further information considered relevant to consideration of the application by the Board.

- 1.4 The applicant, the transferee 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:

http://highland.gov.uk/hlb_hearings

2. Legal position

- 2.1 At the hearing, the Board must, having regard to the Chief Constable's notice and any further information provided under section 33(7A), if satisfied that a ground for refusal applies, refuse the application, or, if not so satisfied, grant the application.

- 2.2 The grounds for refusal are-

- (a) that, having regard to the licensing objectives, the transferee is not a fit and proper person to be the holder of a premises licence, or
- (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 hear from the representative of Police Scotland, the applicant and the transferee and then to determine the application.

Reference: HC/INBS/385

Date: 07 October 2026

Author: Kata Somogyi

Appendices: Appendix 1 - Letter from Police Scotland dated 01 October 2026

01/10/2026

Your Ref: HC/INBS/385

Our Ref: 1053132

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 [REDACTED]

Dear Sir,

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE TRANSFER OF A PREMISES LICENCE ON APPLICATION OF LICENCE HOLDER
OLD MARKET INN 32 CHURCH STREET, INVERNESS, HIGHLAND, IV1 1EH.
JOHN HENDERSON SHEPHERD
TRANSFeree – INVR/1746/LTD KINTAIL HOUSE,BEECHWOOD BUSINESS PARK INVERNESS IV2 3BW.**

I refer to the above application and in terms of Section 33(6)(b)(i) of the Licensing (Scotland) Act 2005, I must advise you that the transferee has been convicted of the following relevant offence(s).

Date	Court	Crime/Offence	Disposal
03/07/2023	District Court Amsterdam.	Common Assault	Fined 1000 Euros.
16/05/2022	Inverness Sheriff Court.	Breach of the Peace	Fined £450 Victim surcharge £20.
02/05/2022	Inverness Sheriff Court.	Criminal Justice & Licensing (Scot) Act 2010 Sec 38 (1).	Fined £400.Victim surcharge £20.

Further, in terms of Section 33(6)(a)(ii) of the Licensing (Scotland) Act 2005, I must advise you that no connected person has been convicted of any relevant offence.

I am unable to confirm the existence of any further foreign offence in respect of the transferee or any connected person.

Yours faithfully



Chief Superintendent David Ross
Divisional Commander

For enquiries, please contact the Licensing Department on 03004247214.