**The Highland Licensing Board**

**Meeting – 1 December 2026**

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| Agenda Item | **9.1** |
| Report No | **HLB/107/26** |

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

**Personal licence holder – Gary John Stewart (HC/CSR/9923)**

**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 Gary John Stewart was granted a personal licence on 1 April 2026 and, subject to the terms of the Act, the licence will expire on 31 March 2036.

1.3 In terms of section 84A of the Act, Police Scotland have submitted to the Board a report dated 14 November 2026 that the Chief Constable considers that personal licence holder, Gary Stewart, 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, Gary Stewart, 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/9923
Date: 17 November 2026
Author: A Merchant

Appendix 1 - Letter from Police Scotland dated 14 November 2026

14/11/2026

Your Ref: HC/CSR/9923

Our Ref: 243280

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 Sir,

**LICENSING (SCOTLAND) ACT 2005 - SECTION 84A. REPORT OF CONDUCT INCONSISTENT WITH LICENSING OBJECTIVES. PERSONAL LICENCE HOLDER: GARY JOHN STEWART, [redacted]**

**LICENCE NO: HC/CSR/9923**

The Chief Constable hereby reports to the Licensing Board in terms of Section 84A of the Licensing (Scotland) Act 2005 that Mr Stewart, 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 Stewart has been convicted of the following offence**

| Date | Court | Crime/Offence | Disposal |
|---|---|---|---|
| 26/08/2026 | Tain Sheriff Court | Section 38(1) Criminal Justice and Licensing (Scotland) Act 2010.<br><br>Domestic aggravation | Sentence deferred to 21/09/2026, 19/10/2026 then 100 hours community payback order of unpaid work to be completed in 9 months. Non |

| | | | |
|---|---|---|---|
| | | | harassment order of 2 years to refrain from contacting, approaching or attempting to do so the victim in the case. |

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The victim and the licence holder are ex partners having been in a relationship for 9 years. They have one child together and the victim has an older child from a previous relationship.

On the evening of Wednesday, the 18th of March 2026, the victim and the licence holder ended their relationship, with their child remaining in the care of the victim.

The victim went to stay with a friend, witness no.1, at their home address.

During the evening of Thursday 19th March 2026, the victim received a number of messages, and one voice note via WhatsApp from the licence holder in which he was using aggressive language and made threats to destroy the victim's life, which caused her a great deal of alarm.

The victim told Police that she was particularly scared by the comment to destroy her life; she stated that she didn't know whether the licence holder meant he may physically harm her or something else.

On the morning of Friday 20 March 2026, the victim and the witness no.1 were walking in Invergordon when they saw the licence holder driving 'aggressively' towards them at a fast speed. They both got into the victim's car.

The licence holder parked his vehicle a short distance away and approached the victim's car on foot. The licence holder opened the driver's side door and began aggressively shouting at the victim, shouting about wanting to see his child. The victim was too scared of the licence holder to tell him where their child was. Witness no.1 leant over the victim and shouted at the licence holder to leave. The licence holder slammed the door and drove away in his car.

Later that same day, the licence holder was arrested on suspicion of threatening and abusive behaviour, interviewed and charged with the offence.

The licence holder was then released from police custody to appear at Tain Sheriff Court on 20th April 2026.

On Monday 19th October 2026 the licence holder pled guilty at court and received 100 hours of community payback order which must be completed within 9 months and a 2 year non harassment order.

The 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 respect of this licence.

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

Signed:



Chief Superintendent David Ross
Divisional Commander

Date: 14/11/2026

For enquiries please contact the Licensing Department on [redacted]