

The Highland Licensing Board

Meeting – 14 January 2020

Agenda Item	6
Report No	HLB/003/20

The Licensing (Scotland) Act 2005, Section 37

Premises licence review proposals – Non-payment of annual premises licence fee 2019/20

Report by the Clerk to the Licensing Board

Summary

This report relates to the non-payment of annual premises licence fees for the period 1 October 2019 to 30 September 2020.

1.0 Background

1.1 In terms of the Licensing (Scotland) Act 2005, Schedule 3, mandatory condition 10, an annual premises fee must be paid in accordance with the regulations.

In terms of the Licensing (Fees) (Scotland) Regulations 2007 payment of the annual premises licence fee is due on 1 October each year.

1.2 An invoice in respect of the annual fee due on 1 October 2019 was issued to premises licence holders by the Licensing Board in accordance with the Regulations.

Two subsequent reminders have also been issued by the Council's Finance/ Chief Executive's Office.

Details of the premises licences in respect of which this fee has still not been paid are set out in **Appendix 1** to this report.

1.3 Breach of one or more of the conditions to which a premises licence is subject is a ground on which the premises licence may be reviewed in terms of section 36 of the Act.

1.4 In terms of section 37 of the Act, if a ground for review is alleged, the Board may make a premises licence review proposal. Once a review proposal is made the Board must then hold a review hearing under section 38 of the Act for the purposes of considering and determining the review proposal.

1.5 In terms of section 39 of the Act, at a review hearing in relation to any premises licence, the Board may, if satisfied that a ground for review is established, take any the following steps if the Board considers this necessary or appropriate for the purposes of any of the licensing objectives:

- issue a written warning to the licence holder,
- make a variation of the licence,
- suspend the licence for such period as the Board may determine,
- revoke the licence.

1.6 The premises licence holders listed in **Appendix 1** have been warned that their failure to pay the annual fee in accordance with mandatory condition 10 is a ground for review of their premises licences and have been advised of the possible consequences.

Recommendation

The Board is invited to make review proposals in respect of each of the premises licences listed in Appendix 1 with a view to holding review hearings at the Board's next meeting. The alleged ground of review is non-payment of annual fees in breach of mandatory condition 10 to which each premises licence is subject.

Date: 19 December 2019

Author: Claire McArthur

Background Papers: The Licensing (Scotland) Act 2005

Appendix 1: Details of premises for which annual fee remains outstanding

Appendix 1

Reference	Premises	Licence holder	Ground of review
HC/RSL/0753	Lodge on the Loch Hotel, Onich, Fort William	Daniel Goh	Non payment of annual fee
HC/RSL/0149	Pier House, Knoydart	Partnership of A Carden and G Barrell	Non payment of annual fee
HC/RSL/1907	Green Screen Diner, Fort William	Douglas Ormiston	Non payment of annual fee
HC/RSL/1907	Green Screen Diner, Fort William	Douglas Ormiston	Non payment of proportion of annual fee to 30/09/2019
HC/CSR/1815	JSandTT Limited T/a Jim Bews, 10 Orlig Street, Thurso	JSandTT Limited T/a Jim Bews	Non payment of annual fee
HC/CSR/1797	The Caberfeidh Hotel, Main Street, Golspie	Carole Morrell	Non payment of annual fee
HC/CSR/1200	Aultbea Hotel, Aultbea	View Hotels Limited	Non payment of annual fee
HC/RSL/0223	Conon Bridge Hotel, High Street, Conon Bridge	Evelyn Proudfoot	Non payment of annual fee
HC/INBS/32	Indian Ocean Restaurant, 64-68 Academy Street, Inverness	Mohammed Zahidul Karim	Non payment of annual fee