

The Highland Licensing Board

Meeting – 11 May 2021

Agenda Item	11
Report No	HLB/042/21

The Licensing (Scotland) Act 2005, Section 37

Premises licence review proposals – Non-payment of annual premises licence fee 2020/21

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 2020 to 30 September 2021.

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 2020 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: 29 April 2021

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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/0312	Café Rhu Restaurant Arisaig PH39 4NH	Euan J Baillie	Non payment of annual fee
HC/RSL/0452	The Ice Factor Leven Road Kinlochleven PH50 4SF	The Ice Factor Limited	Non payment of annual fee
HC/RSL/1740	Deli Craft 61 High Street Fort William PH33 6DH	Andrea Woodward	Non payment of annual fee
HC/CSR/0365	Fearn Hotel Hill of Fearn Tain	Graeme Cousins	Non payment of annual fee
HC/CSR/0374	Railway Hotel Castle Brae Tain	Railway Hotel Tain Ltd	Non payment of annual fee
HC/INBS/123	Jimmy Chungs 27 Bank Street Inverness IV1 1QT	CLKF Inverness Ltd	Non payment of annual fee
HC/INBS/084	Loch Ness Lodge Hotel Drumnadrochit IV63 6TU	Donald Skinner	Non payment of annual fee
HC/INBS/351	The Whisky Shop Loch Ness Exhibition Drumnadrochit IV63 6TU	Loch Ness Monster Exhibition Centre Ltd	Non payment of annual fee
HC/INBS/303	Nessieland Drumnadrochit IV63 6TU	Loch Ness Lodge Hotel Company Ltd	Non payment of annual fee
HC/INBS/199	Waterfront 70/71 Huntly Street Inverness IV3 5JN	Inverness Bars Ltd	Non payment of annual fee
HC/INBS/313	Jacko's 44 Harbour Street Nairn IV12 4NU	Alhama Holding Ltd	Non payment of annual fee

HC/INBS/171	The Highland Line Station Square Grampian Road Aviemore PH22 1PD	Lorraine Elliot	Non payment of annual fee
HC/INBS/625	Tiso Unit 1 Grampian Road Aviemore PH22 1AF	Graham Tiso Ltd	Non payment of annual fee