**HIGHLAND LICENSING BOARD**

During the coronavirus period, the Licensing (Scotland) Act 2005 has been temporarily

amended to allow Board meetings to take place remotely.

Minute of the meeting of the Highland Licensing Board held remotely on Tuesday 30 March 2021 at 2.30pm.

**Present:**

Mr J Bruce, Mr A Jarvie, Ms E Knox, Mrs L Macdonald (Convenor), Mr D Macpherson, Mr K Rosie, Mr A Sinclair and Mr C Smith.

**In Attendance:**

Mr I Meredith, Clerk to the Board

Mr G Cameron, Licensing Standards Officer

Mr I Cox, Licensing Standards Officer

Mrs A MacArthur, Administrative Assistant

Ms A Macrae, Committee Administrator

**Also In Attendance:**

Sergeant K Duncan, Police Scotland

Mr M MacDonald, Police Scotland

Item 6.1: Ela Walsh (applicant), Christine Roberts (agent), William Ford-Young (objector) Joanne Tweedale (objector)

Item 7.1: Janet Hood (agent)

**Briefing on Protocol for Webcasting of Meetings**

The Convener advised the Board that the meeting would be filmed and broadcast over the internet on the Highland Council website and would be archived and available for viewing for 12 months.

1. **Apologies for Absence**

Leisgeulan

There were no apologies for absence.

**2. Declarations of Interest**

 **Foillseachaidhean Com-pàirt**.

There were no declarations of interest.

**3. Confirmation of minutes
Dearbhadh a’ gheàrr-chunntais**

There was submitted for confirmation as a correct record the minute of the meeting of the Highland Licensing Board held on 16 February 2021.

The Minutes were held as read and **APPROVED.**

**4. Licensing (Scotland) Act 2005**

**Licences granted under delegated powers**

**Achd Ceadachd (Alba) 2005
Ceadachdan a bhuilicheadh fo Ùghdarras air a Thiomnadh**

There had been circulated **Report No HLB/019/21** detailing licences which had been granted under delegated powers by the Clerk to the Board during the period 4 February 2021 to 17 March 2021.

The Board **NOTED** the report.

**5. Licensing (Scotland) Act 2005**

**Occasional licences and extended hours**

**granted under Delegated Powers**

**Achd Ceadachd (Alba) 2005**

**Ceadachdan Corra-uair agus uairean sìnte a bhuilicheadh fo ùghdarras air a thiomnadh**

There had been circulated **Report No HLB/020/21** detailing occasional licences and extended hours applications which had been granted under delegated powers by the Clerk to the Board during the period 4 February 2021 to 17 March 2021.

The Board **NOTED** the report.

**6.   Licensing (Scotland) Act 2005
Applications for new premises licences
Achd na Ceadachd (Alba) 2005
Larrtas airson cheadachdan thogalaichean ura**

**6.1  Ref: HC/INBS/658
Applicant:** Two Thirsty Men Ltd, 1 South Street, Grantown-on-Spey, PH26 3HG
**Premises:** Two Thirsty Men, 41-45 High Street, Grantown-on-Spey. PH26 3HG
**Type:** off sales

There had been circulated **Report No HLB/021/21** by the Clerk which invited the Board to determine the application.

The Board **AGREED** to **GRANT** the application for a premises licence subject to the mandatory conditions.

**6.2  Ref: HC/RSL/1963
Applicant:** Ardrhu House Limited
**Premises:** Ardrhu House, Onich, Fort William, PH33 6SD
**Type:** On sales

There had been circulated **Report No HLB/022/21** by the Clerk which advised that timeous notices of objection had been received from Dr W Ford-Young and Planning Objections Scotland on behalf of Ms J Tweedale, and a timeous notice of representation from T and F Walters, copies of which were attached to the Clerk’s report. The Board was invited to determine the application.

Dr W Ford-Young, objector, advised there was a disparity between the grant of a premises licence and that of planning permission given the applicant had been granted change of use for the house as commercial accommodation but not the garden. The erection of pods in the garden of the premises and the expectation they would be used for the consumption of food and alcohol would result in increased noise disturbance for the neighbours. The grant of a licence would allow alcohol to be served outside until 10pm, and he queried how much drinking up time would be allowed thereafter.

Ms J Tweedale, objector, advised that her main concern related to the siting of the pods in the garden in proximity to her house, the closest being 2 metres from her property and at the resultant adverse impact on her amenity. In addition, guests would be able consume alcohol in the pods until 10pm, resulting in increased noise nuisance. If the pods were situated in a more responsible and neighbourly manner she would have no objections to the application.

Following questions to the objectors, the Clerk advised that the planning and licensing issues raised were separate matters. The Board was being asked to consider whether the premises was suitable specifically for the sale of alcohol, and that any reasons for refusal of the application should be grounded in one of the licensing objectives.

Ms C Roberts, agent for the applicant, advised that the premises had operated in a responsible and considerate manner since 2018 with no issues arising. The premises provided luxury accommodation in an attractive setting for a maximum of ten guests and the applicant was seeking to enhance this experience by serving alcohol. Within the garden the sitting out areas in the form of gazebos, had been replaced by plastic rain shelters on a flat base to protect guests from the elements and enhance their enjoyment of the outdoor area. The premises benefited from three fully trained personal licence holders and training would be refreshed inhouse on a regular basis. Ms Roberts confirmed that the period allowed for the outdoor drinking up time would be until 10.15pm. The applicant was keen to ensure a good relationship with the neighbours and any concerns voiced in an appropriate manner would be addressed.

Ms E Walsh, applicant, indicated the premises had already been operating under occasional licences with no issues arising and there was no proposal to increase the capacity of the premises or operate in a different manner. She would do her upmost to ensure there was no impact on the neighbours enjoyment of their properties.

Dr Ford-Young advised that his main concern in relation to the period of drinking up time had been addressed satisfactorily.

In response to Members, the objectors advised that any noise disturbance associated with the pods could not be assessed until they were occupied and that in general the consumption of alcohol tended to increase noise levels.

The Licensing Standards Officer reported that the sale of alcohol was ancillary to the applicant’s main business and the hours applied for conservative in terms of the Board’s policy. The pods provided a station where guests could base themselves in relative comfort and enjoy the vistas to the sea and did not form a large outdoor drinking area. He advised that in terms of being fair and proportionate he considered the recommended local condition (m) was sufficient in relation to any grant of a premises licence and that it was for the applicant to ensure good behaviour on the premises.

Following further questions and during debate, Members raised the following issues:-

* in relation to the planning permission for change of use, it was difficult to understand why no condition had been applied in relation to noise, while acknowledging this was outwith the remit of the Board;
* the sale of alcohol was ancillary to the main purpose of the premises and the hours applied for well within the Board’s policy and while there was sympathy for the neighbouring residents there were no grounds to refuse the application; and
* support for the grant of the application subject to the recommended conditions.

The Board **AGREED** to **GRANT** the application for a premises licence subject to the mandatory conditions and local condition (m).

**7.   Licensing (Scotland) Act 2005
Applications for provisional premises licences
Achd Ceadachd (Alba) 2005
Iarrtas airson ceadachdan thogalaichean le cumha**

**7.1  Ref:** HC/CSR/1962
**Applicant:** Keystore More (Brora) Limited, per Janet Hood, Kirkton of Balfour, Edzell, Brechin, Angus, DD9 7XU
**Premises:**  Keystore More Brora, Bridgend, Brora, KW9 6NR
**Type:**  Off sales

There had been circulated **Report No HLB/023/21** by the Clerk which invited the Board to determine the application.

The Board **AGREED** to **GRANT** the application for a provisional licence subject to the mandatory conditions only.

**8.  Licensing (Scotland) Act 2005
Applications for variation (major) to premises licences
Achd Ceadachd (Alba) 2005
Iarrtasan airson Caochladh (Mòr) a thaobh ceadachdan thogalaichean**

**8.1  Ref:  HC/INBS/639
Applicant**:  P D Crowe Ltd, Building 6000, Langstone Technology Park, Langstone Road, Havant, Hampshire, PO9 1SA
**Premises**:  Foyers Lodge, Foyers, Inverness-shire, IV2 6XT
**Type**: on sales

There had been circulated **Report No HLB/024/21** by the Clerk which invited the Board to determine the application.

The Board **AGREED** to **GRANT** the application for major variation of the premises licence subject to the mandatory conditions only.

**8.2  Ref:  HC/INBS/114
Applicant**:  Bell and Rose Limited, Whitebridge Hotel, Whitebridge, Inverness-shire, IV2 6UN
**Premises**:  Whitebridge Hotel, Whitebridge, Inverness-shire, IV2 6UN
**Type**: on and off sales

There had been circulated **Report No HLB/025/21** by the Clerk which invited the Board to determine the application.

The Board **AGREED** to **GRANT** the application for major variation of the premises licence subject to the mandatory conditions and local conditions (m) and (n)(ii).

**9.   Surrender of premises licence**
**Gèilleadh ceadachd togalaich**

**9.1**  **Premises:  Scots Kitchen, Main Street, Fort Augustus, PH32 4DD
Licence Holder:  Highland Inns Ltd**

The Board **NOTED** the above Premises Licence has been surrendered in terms of Section 28(5)(f).

The meeting ended at 3.45pm.

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