

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 Monday 25 April 2022 at 1.30pm.

Present:

Mr J Bruce, Mr A Jarvie, Mrs L Macdonald (Convener), Mr D Macpherson, Mr K Rosie.

In Attendance:

Ms C McArthur, Clerk to the Board
Mr I Meredith, Depute 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:

Sgt K Duncan, Police Scotland
Mr M MacDonald, Police Scotland

Item 8.2 - John Walker, solicitor
Item 9.3 - Caroline Loudon, solicitor
Item 9.5 - David Hossack, solicitor, Leigh Aitken, applicant
Item 9.6 - David Hossack, solicitor, Leigh Aitken, applicant
Item 9.8 - Caroline Loudon, solicitor

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

Apologies for absence were intimated on behalf of Ms E Knox and Mr K Rosie.

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 29 March 2022.

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/029/21** detailing licences which had been granted under delegated powers by the Clerk to the Board during the period 17 March 2022 to 13 April 2022.

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/030/21** detailing occasional licences and extended hours applications which had been granted under delegated powers by the Clerk to the Board during the period 17 March 2022 to 30 April 2022.

The Board **NOTED** the report.

**6. Review proposals – non-payment of annual premises licence fees
Moladh ath-sgrùdaidh – neo-phàigheadh chìsean ceadachd togalaich
bliadhna**

There had been circulated **Report No HLB/031/22** by the Clerk inviting the Board to hear from the stated licence holders and then to consider and determine the premises licence review proposal for each of the premises.

Following discussion, the Board **NOTED** that Bay Leaf Spice, Grantown on Spey had now paid their annual fee.

Thereafter, the Board **AGREED** to **REVOKE** the premises licences for the following premises:

- Brockies Bar, Kiltarlity, By Beauly
- Charleston House, Gairloch

under section 39 of the Licensing (Scotland) Act 2005 on the grounds of non-payment of their annual premises licence fees.

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

7.1 Ref: HC/CSR/2002

Applicant: Shân Tunsley

Premises: West Coast Delicatessen, 5 Argyle Street, Ullapool

Type: Off Sales

There had been circulated **Report No HLB/032/22** 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 only.

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

8.1 Ref: HC/RSL/2000

Applicant: Sgurr Uaran Ltd

Premises: Sgurr Uaran Distillery, 19 Fasach, Glendale, Isle of Skye, IV55 8WP

Type: off sales

There had been circulated **Report No HLB/033/22** by the Clerk which invited the Board to determine the application.

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

8.2 Ref: HC/CSR/1998

Applicant: Hart Licensees Ltd

Premises: Spa Lodge, Strathpeffer

Type: On Sales

There had been circulated **Report No HLB/034/22** by the Clerk which invited the Board to determine the application.

The Board **AGREED** to **GRANT** the application for a provisional premises licence subject to the mandatory conditions and the local conditions and special conditions as set out respectively at 7.2 and 7.3 of the report.

9. Licensing (Scotland) Act 2005

Applications for variation (major) to premises licences

Achd Ceadachd (Alba) 2005

Iarrtasan airson Caochladh (Mòr) a thaobh ceadachdan thogalaichean

9.1 Ref: HC/INBS/640

Applicant: Kings Golf Club Inverness, Balphadrig Road, Inverness, IV3 8AX

Premises: Kings Golf Club, Balphadrig Road, Inverness, IV3 8AX

Type: on and off-sales

There had been circulated **Report No HLB/035/22** by the Clerk which invited the Board to determine the application.

The Board **AGREED** to **GRANT** the application for a major variation to the premises licence subject to the mandatory conditions and the existing special conditions.

9.2 Ref: HC/RSL/1300

Applicant: Glencoe Mountain Limited

Premises: Glencoe Ski Centre Café, Glencoe, PH49 4HZ

Type: On and Off Sales

There had been circulated **Report No HLB/036/22** by the Clerk which invited the Board to determine the application.

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

9.3 Ref: HC/INBS/551

Applicant: C J Lang and Son, 78 Longtown Road, Dundee, DD4 8JU

Premises: Spar Shop, Station Road, Ardersier, IV2 7SU

Type: off sales

There had been circulated **Report No HLB/037/22** by the Clerk which invited the Board to determine the application.

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

9.4 Ref: HC/RSL/0478

Applicant: SBM (Fort William) Limited

Premises: Tavern Restaurant, 72 High Street, Fort William, PH33 7LP

Type: On Sales

There had been circulated **Report No HLB/038/22** by the Clerk which invited the Board to determine the application.

The Board **AGREED** to **GRANT** the application for a major variation to the premises licence subject to the mandatory conditions, the existing local conditions and the additional local conditions as set out at 8.2 of the report.

9.5 Ref: HC/RSL/0778

Applicant: Diageo Scotland Limited per Morton Fraser LLP

Premises: Talisker Distillery, Carbost, Isle of Skye, IV47 8SR

Type: on sales and off sales

There had been circulated **Report No HLB/039/22** by the Clerk which invited the Board to determine the application.

Mr D Hossack, solicitor for the applicant, requested an amendment to the recommended additional local condition (m) to allow alcoholic or non-alcoholic drinks to be consumed in any outdoor area after 22:00 hours when there was a festival or special event taking place. He also outlined the reasons for the increase sought in the off sales capacity in excess of the threshold set by the Board in its overprovision policy, based on the layout and nature of the premises and the presentation and display of the specialist products for sale.

In discussion, Members expressed the view that proposed increase in the off sales capacity in excess of the Board's policy was acceptable on the basis that the evidence put forward did not undermine the licensing objectives and they were satisfied with the reasons provided for departing from policy in this circumstance. Members further advised they were content with the amendment sought to the additional local condition (m).

The Board **AGREED** to **GRANT** the application for a major variation to the premises licence subject to the mandatory conditions, the existing local conditions and an additional local condition (as amended below) and the existing special conditions.

- *After 22:00 hours, alcoholic or non-alcoholic drinks shall not be consumed in any outdoor area other than when there is a festival or special event taking place*

9.6 Ref: HC/CSR/0706

Applicant: Diageo Scotland Limited per Morton Fraser LLP

Premises: Glen Ord Distillery Visitor Centre, Muir of Ord

Type: On sales and Off sales

There had been circulated **Report No HLB/040/22** by the Clerk which invited the Board to determine the application.

Mr D Hossack, solicitor for the applicant, requested an amendment to the recommended additional local condition (m) to allow alcoholic or non-alcoholic drinks to be consumed in any outdoor area after 22:00 hours when there was a festival or special event taking place. He outlined the reasons for the increase sought in the off sales capacity in excess of the threshold set by the Board in its overprovision policy, based on the layout and nature of the premises and the presentation and display of the specialist products for sale. It was recognised the proposal to increase the on sales hours was outwith the Board's policy of restricting the continuous period during which alcohol may be sold to no more

than 14 hours. However, the proposed sale of alcohol before 11am related only to early morning tours of the premises in response to visitor demand and therefore could be distinguished from general on sales.

In discussion, Members advised they accepted the justification provided for the proposed on sales hours before 11am on the basis this specifically related to early morning tours of the premises. Thereafter, Members expressed the view that proposed increase in the off sales capacity in excess of the Board's policy was acceptable on the basis that the evidence put forward did not undermine the licensing objectives and they were satisfied with the reasons provided for departing from policy in this circumstance. Members further advised they were content with the amendment sought to the additional local condition (m).

The Board **AGREED** to **GRANT** the application for a major variation to the premises licence subject to the mandatory conditions, the existing local conditions and an additional local condition, to be amended as follows:

- *After 22:00 hours, alcoholic or non-alcoholic drinks shall not be consumed in any outdoor area other than when there is a festival or special event taking place*

9.7 Ref: HC/CSR/1032

Applicant: Portree Partnership Limited

Premises: The Old Inn, Flowerdale Glen, Gairloch

Type: On sales and Off sales

There had been circulated **Report No HLB/041/22** by the Clerk which invited the Board to determine the application.

The Board **AGREED** to **GRANT** the application for a major variation to the premises licence subject to the mandatory conditions, the existing local conditions and the additional local condition as set out at 8.2 of the report.

9.8 Ref: HC/CSR/0298

Applicant: C J Lang and Son Limited

Premises: Spar, Station Road, Conon Bridge

Type: Off sales

There had been circulated **Report No HLB/042/22** by the Clerk which invited the Board to determine the application.

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

**10. Licensing (Scotland) Act 2005 Section 83 – review of personal licence
Achd Cheadachd (Alba) 2005, Earrann 83 – ath-sgrùdadh air ceadachd
phearsanta**

10.1 Licence Holder: James Mellor (HC/RSL/L/7359)

There had been circulated **Report No HLB/043/22** by the Clerk.

Mr J Mellor, licence holder was not in attendance.



Following discussion, the Board **AGREED** to **REVOKE** the personal licence under section 84 of the Licensing (Scotland) Act 2005 as the personal licence holder has acted in a manner inconsistent with the licensing objectives, [REDACTED] the personal licence holder was deemed no longer to be a fit and proper person to be the holder of such a licence.

This was based on the following reason:

- [REDACTED]

**11. Application for personal licence
larrtas airson ceadachd phearsanta**

11.1 Applicant: Thomas McAnelly (HC/INBS/7880)

There had been circulated **Report No HLB/044/22** by the Clerk.

The applicant was not in attendance.

Sergeant K Duncan referred to the terms of Police Scotland's representation in relation to the application [REDACTED]
[REDACTED] Police Scotland were not objecting to the application.

In response to questions, Sergeant K Duncan provided further details on the circumstances [REDACTED]

Following discussion, the Board **AGREED** to grant the application for a personal licence.

12. Surrender of premises licence
Gèilleadh ceadachd togalaich

**12.1 Premises: The Overscaig House Hotel, Loch Shin, by Lairg, IV27
4NY**

Licence Holder: Black Cormorant Ltd

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

The meeting closed at 2.40pm.
