

HIGHLAND LICENSING BOARD

Minute of the meeting of the **Highland Licensing Board** held in the Council Chamber, Council Headquarters, Glenurquhart Road, Inverness on Tuesday 9 January 2024 at 4.25pm.

Present:

Mr J Bruce, Mr J Grafton, Mrs J Hendry (Convener), Mr S Kennedy, Ms E Knox, Mr D Macpherson, Mr D Millar, Mr K Rosie.

In Attendance:

Mr I Meredith, Clerk to the Board
Mr G Cameron, Licensing Standards Officer
Mr I Cox, Licensing Standards Officer
Mr E MacKinnon, Licensing Standards Officer
Mr P Dent, Environmental Health Officer
Ms M Duffy, Solicitor
Mrs G MacPherson, Committee Officer

Also In Attendance:

Sergeant Paterson, Police Scotland

Item 6.1: Ms Chrisann O'Halloran, applicant

Item 7.1: Mr Alex Green, solicitor for applicant

Item 7.3: Ms Lynn Simpson, applicant's representative

Item 7.4: Mrs Sharon Sutherland, applicant, Mr and Mrs McCaughey, objectors, and Mr and Mrs Nicolson, objectors

Item 7.6: Mr James Young, applicant

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 Mr C Birt and Mr P Oldham.

2. Declarations of Interest Foillseachaidhean Com-pàirt.

There were no Transparency Statements or Declarations of Interest.

3. Confirmation of minutes Dearbhadh a' gheàrr-chunntais

There had been submitted for confirmation as a correct record the minute of the meeting of the Highland Licensing Board held on 28 November 2023.

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/01/24 by which detailed all Licences which had been granted under delegated powers to the Clerk during the period 16 November to 13 December 2023.

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/02/24 detailing Occasional Licences and Extended Hours Applications which had been granted under delegated powers by the Clerk to the Board during the period 16 November to 13 December 2023.

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/695

Applicant: Chrisann Marion O'Halloran, Kinnoch Lodge, 13 Ballifeary Road, Inverness, IV3 5PJ

Premises: Kinnoch Lodge, 13 Ballifeary Road, Inverness, IV3 5PJ

Type: on sales

There had been circulated Report No HLB/03/24 by the Clerk.

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

6.2 Ref: HC/INBS/696

Applicant: The Italian Job (Inverness) Ltd, Unit 4, Carrier's Croft, Lewiston, Drumnadrochit, IV63 5AG

Premises: The Italian Job, Unit 4, Carrier's Croft, Lewiston, Drumnadrochit, IV63 5AG

Type: on and off sales

There had been circulated Report No HLB/04/24 by the Clerk.

It was asked if the Licensing Standards Officer (LSO) had considered the new housing development in progress nearby and, having visited the site, the LSO

confirmed to Members that the restaurant was self contained and should not cause any adverse affects to anyone's enjoyment of their property.

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

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

7.1 Ref: HC/INBS/49

Applicant: Alliance Property Holdings Limited, Hilmore House, Gain Lane, Bradford, BD3 7DL

Premises: Morrisons Daily, 12 High Street, Ardersier, IV2 7QB

Type: Off Sales

There had been circulated Report No HLB/05/24 by the Clerk.

The Board **AGREED** to **GRANT** the major variation of the premises licence, subject to the existing conditions.

7.2 Ref: HC/CSR/1648

Applicant: Portmahomack Golf Club

Premises: Portmahomack Golf Club, Tarbatness Road, Portmahomack

Type: On Sales

There had been circulated Report No HLB/06/24 by the Clerk.

The Board **AGREED** to **GRANT** the major variation of the premises licence, subject to the existing conditions.

7.3 Ref: HC/CSR/0874

Applicant: CJ Lang & Son Limited

Premises: Spar, Main Street, Castletown

Type: Off Sales

There had been circulated Report No HLB/07/24 by the Clerk.

The Board **AGREED** to **GRANT** the major variation of the premises licence, subject to the existing conditions.

7.4 Ref: HC/CSR/0248

Applicant: Queens Hotel (Wick) Ltd

Premises: Queens Hotel, 16 Francis Street, Wick

Type: On and Off Sales

There had been circulated Report No HLB/08/24 by the Clerk.

The Clerk confirmed objections had been received from Police Scotland, Environmental Health and local residents Mr and Mrs McCaughey and Mr and Mrs Nicolson.

The Board heard from the applicant, Mrs Sutherland, who advised Members the bar had been there for 17 years. As a result of the Covid-19 pandemic, an outside shelter had been installed to allow patrons to attend, with a television provided, and there was CCTV was in place. Mrs Sutherland felt ganged up on by Mr and Mrs McCaughey and Mr and Mrs Nicolson, and stated it had been their choice to buy properties next to the bar.

The Board heard from Police Scotland. In addition to the modification to the variations offered by Police Scotland in terms of Section 22 (1) (B) (ii) and (iii) of the Licensing Scotland Act 2005, the Licensing Sergeant explained that the conditions proposed would give a better measure of control for the premises to help avoid and stop occurrences which were breaching the Licensing Objectives; such as, excessive noise outside, customers dancing on tables outside, youths on the garage roof, urination outside and littering.

The Board also heard from the Environmental Health Officer who confirmed that the adjacent properties were extremely close to the outside area of the premises but in terms of noise nuisance, the applicant had produced a noise management plan at the request of the Environmental Health Department, and the plan was to be finalised following the outcome of this meeting. It was asked what prompted the involvement of Environmental Health, and it was confirmed that in this instance noise nuisance had been highlighted to the Service by Police Scotland and the LSO.

Both Mr McCaughey and Mrs Nicolson reiterated their reasons for objecting the variation which included what they felt was the uncontrolled and unpredictable behaviour of patrons; irksome use of amplified sound whereby songs were consistently repeated or stopped suddenly by patrons; and further noise nuisance such as screaming, shouting and standing on tables. They understood that noise was to be expected living next to a pub but not at the level and frequency to which they were being subjected to, and Mrs Nicolson hoped that an amicable conclusion could be reached to suit all parties.

During discussion, information was sought, and provided, regarding the outside area provisions, as the problems seemed to have arisen post-covid. It was also confirmed that the outdoor area had been licenced since 2008 and there had been no previous issues.

Police Scotland were asked if any complaints had been received regarding the running of the premises inside and it was confirmed that, since the Licensing Sergeant took post in May 2023, no complaints had been logged. Information was sought, and provided, from Police Scotland regarding CCTV and the applicant advised that good quality CCTV was in place to monitor the outside area.

Members also enquired what level of engagement management had with patrons, if the amplified music was controlled by staff or patrons and if there was a process in place should neighbours feel the music was too loud. The LSO confirmed he had visited Mrs Sutherland who had shown him throughout the inside and outside of the premises. CCTV was in place, behind the bar, and was monitored, but not thought to have audio. The LSO was also asked if he was comfortable that the recommendations would see an end to the problems

faced and it was the LSO's opinion that, by carrying out the suggested recommendations, a positive outcome could be reached, bearing in mind that if persons were taking alcohol anything could happen.

Summing up, Mr McCaughey stated he wished the situation could be like it was pre-covid when there was no television, music or parties outside, adding that he did not wish for Mrs Sutherland to reduce her business. Mrs Nicolson added that they were not adverse to people enjoying themselves but felt it was fair to ask for no music outside, thus allowing enjoyment of their property too.

Decision

The Board **AGREED** to **GRANT** the major variation of the premises licence, subject to the removal of local condition (a), and subject to the existing conditions, local conditions (k), (l), (n), (i), and (o), and the following special conditions:

1. Children under the age of 16 are excluded from the Public Bar and outdoor drinking area after 1800 hrs unless attending a private function.
2. Children may be within the Public Bar and Outdoor Drinking area until 1800 hrs whilst accompanied by and adult 18 years and over for the purposes of taking a meal only.
3. A CCTV system must be installed to view the outdoor area to the satisfaction of the Chief Constable and must be kept in good working order;

And the following late night conditions:

1. A qualified First Aid must be present on the premises from 0100 hrs (on any day when the premises are open at 0100 hrs) until whichever is the earlier of:-
 - (a) The time at which the premises next close; or
 - (b) 0500 hrs.
2. A designated person who is the holder of a personal licence must be present on the premises from 0100 hrs (on any day when the premises are open at 0100 hrs) until whichever is the earlier of:-
 - (a) The time at which the premises next close; or
 - (b) 0500 hrs or such times as the Licensing Board may specify.

7.5 Ref: HC/RSL/0429

Applicant: Jill E Gosney

Premises: Ardshealach Lodge, Acharacle, PH36 4JL

Type: On Sales

There had been circulated Report No HLB/09/24 by the Clerk.

The Board **AGREED** to **GRANT** the major variation of the premises licence, subject to the existing conditions.

7.6 Ref: HC/RSL/0332

Applicant: Ossian Developments Limited

Premises: Woodlands Glencoe, Ballachulish, Argyll, PH49 4JX

Type: On Sales

There had been circulated Report No HLB/10/24 by the Clerk.

The Board **AGREED** to **GRANT** the major variation of the premises licence, subject to the existing conditions.

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

8.1 Premises: The Highland Fling, Station Road, Kyle of Lochalsh, IV40 8AE

Licence Holder: The Highland Fling Ltd

8.2 Premises: Deli Mair, Myrtlefield House, Grampian Road, Aviemore, PH22 1RH

Licence Holder: GDM Retail Ltd, 2 Carn Aghaidh, Aviemore, PH22 1LE

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

The meeting closed at 5.40pm.