

## **HIGHLAND LICENSING BOARD**

Minute of the meeting of the **Highland Licensing Board** held in the Council Chamber, Council Headquarters, Glenurquhart Road, Inverness on Tuesday 26 March 2024 at 10.00am.

### **Present:**

Dr C Birt, Mr J Bruce, Mr J Grafton, Mrs J Hendry (Convener), Mr S Kennedy, Mr D Macpherson (Remote), Mr P Oldham, Mr K Rosie

### **In Attendance:**

Mr I Meredith, Clerk to the Board  
Mr G Somers, Solicitor  
Ms M Duffy, Solicitor  
Mr G Cameron, Licensing Standards Officer  
Mr I Cox, Licensing Standards Officer  
Mr E MacKinnon, Licensing Standards Officer  
Ms C Hunter, Environmental Health Officer (Remote)  
Mrs G MacPherson, Committee Officer

### **Also In Attendance:**

Sergeant Paterson, Police Scotland (Remote)

Item 7.1: Mr S Rutherford, applicant  
Item 7.2: Mr D Thornton, applicant  
Item 7.4: Mr N Hassard, agent for applicant  
Item 7.5: Mr and Mrs J Gordon, applicants  
Item 8.2: Mr N Hassard, agent for applicant  
Item 9.3: Ms L MacLean, 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 Ms E Knox and Mr D Millar.

At this juncture, the Chair informed the Committee of Mr I Cox's upcoming retirement and shared that Mr Cox was one of the original Licensing Standards Officers when the post was created back in 2009. Prior to that he had been a Police Officer with Northern Constabulary for 30 years, reaching the rank of Chief Inspector and Area Commander.

Mr Cox combined his people skills with an indepth knowledge of the law to great effect and on countless occasions used those skills to bring parties together and resolve issues before an application was presented to the Board, ensuring that on the day of the meeting, everything was able to run smoothly.

Mr Cox was widely respected and it was said that he would be greatly missed but that he had earned a long and happy retirement.

**2. Declarations of Interest  
Foillseachaidhean Com-pàirt.**

There were no Declarations of Interest or Transparency Statements.

**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 13 February 2024.

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/21/24 detailing Licences which had been granted under delegated powers to the Clerk during the period 1 February 2024 to 13 March 2024.

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/22/24 detailing Occasional Licences and Extended Hours Applications which had been granted under delegated powers by the Clerk to the Board during the period 1 February 2024 to 13 March 2024.

The Board **NOTED** the Report.

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

There had been circulated Report No HLB/23/24 by the Clerk inviting the Board to make premises licence review proposals, in respect of premises licences for which the annual fee had not been paid.

It was confirmed by the Clerk that if the licence was paid before the next meeting of this Board, then review action would not be necessary.

The Board **AGREED** to hold review hearings at the next meeting of the Board to consider any grounds in terms of unpaid licences, as recorded in Appendix 1 of the report.

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

**7.1 Ref: HC/INBS/699**

**Applicant:** Aberfeldy Lodge Rooms, 11 Southside Road, Inverness, IV2 3BG

**Premises:** The Koko Rooms, 11 Southside Road, Inverness, IV2 3BG

**Type:** on sales

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

Mr Rutherford, applicant, explained the difference between the applicant and premises names, adding that Aberfeldy Lodge Rooms was the chosen business name by the previous business owner.

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

**7.2 Ref: HC/RSL/2106**

**Applicant:** Partnership of Daniel and Lucy Thornton

**Premises:** Taigh Sealladh Feidh Guest House, Invergarry, PH35 4HT

**Type:** On sales

There had been circulated Report No HLB/25/24 by the Clerk.

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

**7.3 Ref: HC/RSL/2103**

**Applicant:** Jonathan Parkin

**Premises:** Carters Rest Guesthouse, 8/9 Milovaig, Glendale, Isle of Skye, IV55 8WY

**Type:** On sales

There had been circulated Report No HLB/26/24 by the Clerk.

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

**7.4 Ref: HC/CSR/2101**

**Applicant:** St Fergus Bowling Club Ltd

**Premises:** St Fergus Bowling Club, Northcote Street, Wick

**Type:** On sales

There had been circulated Report No HLB/27/24 by the Clerk.

The agent for the applicant explained that the application was for a long established bowling club, which for many years ran as a unincorporated association benefitting from a members club licence. When the club was dissolved and replaced by St Fergus Bowling Club Ltd, it had the unintended consequence of bringing the existing licence to an end. This application was to reinstate the licence on a similar par and had the support of the local community council.

The Board **AGREED** to **GRANT** the application for a new premises licence subject to the mandatory conditions, local conditions (a), (b), (c), (k), (m), and (x) and the following late opening conditions:

1. A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 0100 hrs (on any day when the premises are open at that time) until whichever is the earlier of-
  - (a) the time at which the premises next close; and
  - (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, and
  - (b) 0500 hrs.

#### **7.5 Ref: HC/RSL/2104**

**Applicant:** John David Gordon

**Premises:** Lochhourhead Tearoom & Courtyard, Kinlochourn, By Invergarry, PH35 4HD

**Type:** On sales

There had been circulated Report No HLB/28/24 by the Clerk.

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

#### **8. Licensing (Scotland) Act 2005**

**Applications for provisional premises licences**

**Achd Ceadachd (Alba) 2005**

**Iarrtas airson ceadachdan thogalaichean le cumha**

#### **8.1 Ref: HC/RSL/2098**

**Applicant:** Fishy Fishy Limited per Shaws Law Ltd, Scottish Marine Institute, Dunstaffnage, Oban, PA37 1QA

**Premises:** Fishy Fishy Limited, 15 High Street, Fort William, PH33 6DH

**Type:** On sales

There had been circulated Report No HLB/29/24 by the Clerk.

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

## **8.2 Ref: HC/CSR/2100**

**Applicant:** Highland Premier Properties Caithness Ltd

**Premises:** Ormlie Lodge Club, The Cottage, Brownhill Road, Thurso

**Type:** On sales

There had been circulated Report No HLB/30/24 by the Clerk.

The agent for the applicant explained that this premises had been previously licenced but the licence had ended when the premises closed down. The applicant, whose principal business was closeby to this premises, saw the potential to create a community pub and function room, and would refurbish the premises upon approval of the provisional licence, which had the support of the local community council.

The Board **AGREED** to **GRANT** the application for a provisional premises licence subject to the mandatory conditions, local conditions (a), (b), (c), (k), (m), (o), and (x) and the following late opening conditions:

1. A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 0100 hrs (on any day when the premises are open at that time) until whichever is the earlier of-
  - (a) the time at which the premises next close; and
  - (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, and
  - (b) 0500 hrs.

## **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/151**

**Applicant:** SRJ Convenience Ltd, 199 Laburnum Road, Redcar, TS30 3RS per Gordon Emslie, GNE Consultancy Ltd, 47 Wallace Brae Drive, Reddingmuirhead, Falkirk, FK2 0FB

**Premises:** Nethy Bridge Stores and Post office, Nethy Bridge, PH25 3DA

**Type:** off sales

There had been circulated Report No HLB/31/24 by the Clerk.

It was felt that the variations were beneficial, offering an increased service to both the local community, who were very supportive of this, and the tourist trade.

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

### **9.2 Ref: HC/RSL/1936**

**Applicant:** Partnership of Mark I Rossi and Larisa Mostovaya

**Premises:** Torlinnhe Guest House, Achintore Road, Fort William, PH33 6RW

**Type:** On sales

There had been circulated Report No HLB/32/24 by the Clerk.

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

### **9.3 Ref: HC/RSL/0775**

**Applicant:** Wickman Hotels Limited

**Premises:** Cuillin Hills Hotel, Scorrybreac Road, Portree, Isle of Skye, IV51 9QU

**Type:** On sales

There had been circulated Report No HLB/33/24 by the Clerk, which included a representation from Environmental Health regarding noise and pyrotechnics.

Given the quiet surroundings, it was felt that any noise from the hotel would stand out, however, the applicant confirmed she was happy to formulate a noise management plan, and stated she valued the good relationships held with neighbours.

The applicant was keen to extend the outdoor drinking time on the lawn from 2200 hours to 2300 hours, in order to provide patrons the opportunity to sit and enjoy the view of the Cuillin hills with an alcoholic drink, when weather permitted.

Neither the Environmental Health Officer nor the Licensing Standards Officer had any objections to extending outdoor drinking to 2300 hours, as long as a noise management plan was in place.

In terms of music, the applicant explained that the hotel catered for smaller bespoke weddings of approximately 20-30 people, with an occasional wedding of 50-100 people. Background music would be traditional, such as bagpipes fiddles or accordians, in keeping with the style of the hotel.

The Board **AGREED** to **GRANT** the major variation of the premises licence, subject to the existing conditions and additional conditions that (1) there is no outdoor drinking after 2300 hours and (2) a Noise Management Plan being agreed between the Applicant and Environmental Health.

### **9.4 Ref: HC/CSR/0288**

**Applicant:** Navidale House Hotel Ltd

**Premises:** Navidale House Hotel, Helmsdale, KW8 6JS

**Type:** On sales

There had been circulated Report No HLB/34/24 by the Clerk.

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

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

**10.1 Premises:** Rosebank Bowling Club, Cliff Road, Wick  
**Licence Holder:** Rosebank Bowling Club

**10.2 Premises:** The Junction, Shore Street, Applecross, Strathcarron  
**Licence Holder:** Visit Applecross Ltd

The Committee **NOTED** the above Premises Licences which had been surrendered in terms of Section 28(5)(f).

The meeting closed at 10.50 am.