

HIGHLAND LICENSING BOARD

Minute of the meeting of the **Highland Licensing Board** held in the Council Chamber, Council Headquarters, Glenurquhart Road, Inverness on Tuesday 7 May 2024 at 10.00am.

Present:

Dr C Birt, Mr J Grafton, Mrs J Hendry (Convener), Mr S Kennedy, Ms E Knox, Mr D Millar, Mr P Oldham, Mr K Rosie.

In Attendance:

Ms M Duffy, Clerk to the Board
Mr I Meredith, Principal Solicitor
Mr G Somers, Solicitor
Mr G Cameron, Licensing Standards Officer
Mr E MacKinnon, Licensing Standards Officer
Mr S Campbell, Monitoring Inspector
Mrs G MacPherson, Committee Officer

Also In Attendance:

Sergeant Paterson, Police Scotland

Item 7.1: Lynn Simpson and Steven Bremner, representatives (remote)
Item 7.2: Heather and Bobby Nelson, applicants
Item 8.1: Stephen McGowan, solicitor for applicant (remote)
Item 8.4: Archie Maciver, applicant (remote)
Item 8.6: Eilidh Latto, representative, and David Hossack, solicitor for applicant
Item 8.8: Nicky Gillies, applicant (remote)
Item 8.10: John Coghill, applicant (remote)
Item 8.12: Niall Hassard, agent on behalf of 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 J Bruce and Mr D Macpherson.

2. Declarations of Interest Foillseachaidhean Com-pàirt.

The Board **NOTED** the following Declarations of Interest:

Item 8.2: Mrs J Hendry
Item 8.14: Mrs J Hendry

**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 26 March 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/35/24 detailing Licences which had been granted under delegated powers by the Clerk to the Board during the period 14 March 2024 to 24 April 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/36/24 detailing Occasional Licences and Extended Hours Applications which had been granted under delegated powers by the Clerk to the Board during the period 14 March 2024 to 24 April 2024.

Clarification was sought regarding an occasional licence granted to the Rosedale Hotel in Portree, and it was confirmed that from a Licensing perspective, there was no reason not to grant the occasional licence.

The Board **NOTED** the Report.

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

There had been circulated Report No HLB/37/24 by the Clerk whereby the Board was invited to hold Premises Licence Review Hearings in respect of the premises listed in the report, further to the review proposals made by the Board on 26 March 2024.

During discussion, information was sought, and provided, regarding the reclamation of outstanding funds owed to the Council and it was confirmed that any unpaid invoice would be followed up in accordance with the usual procedures.

It was understood that all the premises included in the report were no longer trading and it was confirmed by the Principal Solicitor that no communication had been received by any of the licence holders involved.

The Board **AGREED** to **REVOKE** the premises licences of all premises included on the report, on the grounds that the licence holders had breached a condition of their licences by not paying their annual licensing fees.

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

7.1 Ref: HC/INBS/701

Applicant: The Original Bowling Company Ltd, Focus 31 West Wing, Cleveland Road Hemel Hempstead Industrial Estate, Hemel Hempstead, Hertfordshire, HP2 7BW

Premises: Hollywood Bowl, Ground Floor, Unit 2, Eastfield Way, Inverness, IV2 7GD

Type: on sales

There had been circulated Report No HLB/38/24 by the Clerk.

The applicant's representative spoke in support of the application.

Clarification was sought, and provided, regarding section 7.3 of the report, that the special condition applied during the festive period and that there were staff willing to work at that time.

The Board **AGREED** to **GRANT** the application for a provisional premises licence subject to mandatory conditions and local condition (k) and the following special condition:

- that a person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 01.00 hrs. A designated person who is the holder of a Personal Licence must be present on the premises from 01.00 hrs.

7.2 Ref: HC/CSR/2113

Applicant: Toulvaddie Distillery Ltd

Premises: Toulvaddie Distillery Ltd, Fearn Aerodrome, Fearn

Type: On and off sales

There had been circulated Report No HLB/39/24 by the Clerk.

The applicant spoke in support of the application.

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

8. Licensing (Scotland) Act 2005
Applications for variation (major) to premises licences (PP 58 - 119)

Achd Ceadachd (Alba) 2005
Iarrtasan airson Caochladh (Mòr) a thaobh ceadachdan thogalaichean

8.1 Ref: HC/INBS/179

Applicant: National Trust for Scotland Enterprises Ltd, Hermiston Quay, 5 Cultins Road, Edinburgh, EH11 4DF

Premises: Culloden Battlefield Visitor Centre, Culloden Moor, Inverness, IV2 5SD

Type: on and off sales

There had been circulated Report No HLB/40/24 by the Clerk.

The applicant's solicitor spoke in support of the application.

The Board **AGREED** to **GRANT** the application for a major variation to the premises licence subject to the existing conditions and local condition (f).

8.2 Ref: HC/INBS/302

Applicant: Nairn Golf Club, Seabank Road, Nairn, IV12 4HB

Premises: Nairn Golf Club, Seabank Road, Nairn, IV12 4HB

Type: on and off sales

Declaration of Interest: Mrs J Hendry declared an interest in this item as a Shareholder in Teclan Limited, who had connections with this Company and, in accordance with paragraph 5.6 of the revised Code of Conduct, she left the meeting for this item. Mr P Oldham took the Chair.

There had been circulated Report No HLB/41/24 by the Clerk.

The Board **AGREED** to **GRANT** the application for a major variation to the premises licence subject to the existing conditions and local condition (e) .

8.3 Ref: HC/INBS/290

Applicant: Newtonmore Golf Club, Golf Course Road, Newtonmore, PH20 1AT

Premises: Newtonmore Golf Club, Golf Course Road, Newtonmore, PH20 1AT

Type: off sales

There had been circulated Report No HLB/42/24 by the Clerk.

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

8.4 Ref: HC/INBS/135

Applicant: Amity Hospitality (Grantown-on-Spey) Limited, 28 Wayfarers Drive, Dalgety Bay, Dunfermline, KY11 9GE

Premises: The Garth Hotel, 21 Castle Road, Grantown-on-Spey, PH26 3HN

Type: on and off sales

There had been circulated Report No HLB/43/24 by the Clerk.

The applicant spoke in support of the application.

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

8.5 Ref: HC/INBS/133

Applicant: Angelika Cawdor, Cawdor Castle, Nairn, IV12

Premises: Cawdor Castle, Cawdor, Nairn, IV12 5RD

Type: on and off sales

There had been circulated Report No HLB/44/24 by the Clerk.

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

8.6 Ref: HC/INBS/89

Applicant: Diageo Scotland Limited, 11 Lochside Place, Edinburgh, EH12 9HA

Premises: Dalwhinnie Distillery Visitor Centre and Shop, Dalwhinnie, Inverness-shire, PH19 1AA

Type: on and off sales

There had been circulated Report No HLB/45/24 by the Clerk.

The applicant's solicitor spoke in support of the application and when questioned, provided information regarding opening and core hours.

In terms of section 5.iv and 5.vi of the report, it was discussed that while the capacity sat out with current Highland Licensing Board policy, this was to spread the product out rather than the opportunity to stack it high.

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

8.7 Ref: HC/INBS/658

Applicant: Two Thirsty Men Ltd, 1 South Street, Grantown-on-Spey, PH26 3EG

Premises: Two Thirsty Men, 41-45 High Street, Grantown-on-Spey, PH26 3EG

Type: off sales

There had been circulated Report No HLB/46/24 by the Clerk.

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

8.8 Ref: HC/RSL/1380

Applicant: Firm of Glenfinnan House Hotel

Premises: Glenfinnan House Hotel, Glenfinnan, PH37 4LT

Type: On and off-sales

There had been circulated Report No HLB/47/24 by the Clerk.

The applicant spoke in support of the application and explained why there had been no fire report. Despite having an appointment booked, the fire officer had been unable to attend and arranging a new appointment had proved difficult.

It was confirmed that the premises could continue to trade under their current licence.

The Board **AGREED** to **GRANT DELEGATED POWERS** to the Principal Solicitor to **GRANT** the application for a major variation to the premises licence after the Scottish Fire and Rescue Service had satisfactorily audited the premises and subject to the existing conditions.

8.9 Ref: HC/RSL/1454

Applicant: Partnership of George and Grace Coull

Premises: Fishmarket Restaurant, Station Road, Mallaig, PH41 4PY

Type: On sales

There had been circulated Report No HLB/48/24 by the Clerk.

The Board **AGREED** to **GRANT** the application for a major variation to the premises licence subject to the existing conditions and a special condition replacing the specific condition on the current Premises Licence:-

- This Licence authorises the Premises Licence Holder in respect of 'on sales' to sell and allow consumption of alcohol only as ancillary to food purchased and eaten on the said premises while seated.

8.10 Ref: HC/RSL/0811

Applicant: Hebridean Hospitality Ltd

Premises: Hebridean Hotel, 14 Harrapool, Broadford, Isle of Skye, IV49 9AQ

Type: On and off sales

There had been circulated Report No HLB/49/24 by the Clerk.

The applicant spoke in support of the application.

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

8.11 Ref: HC/RSL/1986

Applicant: Atholl House (Skye) Ltd

Premises: Atholl House, Dunvegan, Isle of Skye, IV55 8WA

Type: On sales

There had been circulated Report No HLB/50/24 by the Clerk.

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

8.12 Ref: HC/CSR/0600

Applicant: Alliance Property Holdings Limited

Premises: Morrisons Daily, Achtercairn, Gairloch
Type: Off sales

There had been circulated Report No HLB/51/24 by the Clerk.

The agent on behalf of the applicant spoke in support of the application.

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

8.13 Ref: HC/CSR/1972

Applicant: North Coast Distillers Limited t/a North Point Distillery
Premises: North Point Distillery, Murkle House, Forss Business and Energy Park, Forss, Thurso
Type: On and off sales

There had been circulated Report No HLB/52/24 by the Clerk.

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

8.14 Ref: HC/CSR/1044

Applicant: Ross County Football Club
Premises: Ross County Football Club, Global Energy Stadium, Victoria Park, Dingwall
Type: On and off sales

Declaration of Interest: Mrs J Hendry declared an interest in this item as a Shareholder in Teclan Limited, who had connections with this Company and, in accordance with paragraph 5.6 of the revised Code of Conduct, she left the meeting for this item. Mr P Oldham took the Chair.

There had been circulated Report No HLB/53/24 by the Clerk.

The Board **AGREED** to **GRANT** the application for a major variation to the premises licence subject to the existing conditions plus the following special condition:

- The premises opening for sale of alcohol for consumption on the premises prior to 1100 hrs shall do so as part of a pre organised hospitality package or as ancillary to a meal.

9. Surrender of premises licence Gèilleadh ceadachd togalaich

9.1 Premises: The Shieling, Auchtercairn, Gairloch - HC/CSR/0279
Licence Holder: Crerar Gairloch Limited

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

The meeting closed at 11.30 am

