

HIGHLAND LICENSING BOARD

Minute of the meeting of the **Highland Licensing Board** held in the Council Chamber, Council Headquarters, Glenurquhart Road, Inverness on Tuesday, 13 May 2025 at 10.00am.

Present:

Dr C Birt, Mr J Bruce, Mr J Grafton, Mrs J Hendry (Convener), Mr S Kennedy, Ms E Knox, Mr D Macpherson.

In Attendance:

Ms C McArthur, Principal Solicitor, Clerk to the Board

Mr I Meredith, Solicitor, Depute Clerk to the Board

Ms M Duffy, Solicitor

Mr G Somers, Solicitor

Mr G Cameron, Licensing Standards Officer

Mr E MacKinnon, Licensing Standards Officer

Mrs G MacPherson, Committee Officer

Also In Attendance:

Sergeant Paterson, Police Scotland

Item 6.1: Katie McFarlane-Slack, Applicant

Item 6.2: Angela Locke, Applicant

Item 6.3: David and Mairi MacKenzie, Owners, Delicasea Café

Item 7.2: Neil Hampton, General Manager, Royal Dornoch Golf Club

Item 8.1: Ryan Ireland, Owner, Invernairne Guest House, and Dr Sharon Brown, Objector

Item 8.3: Mike MacDonald, Manager, Fortrose and Rosemarkie Golf Club

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 D Millar 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 1 April 2025.

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/32/25 detailing all Licences which had been granted under delegated powers to the Clerk during the period 19 March 2025 to 30 April 2025.

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/33/25 detailing Occasional Licences and Extended Hours Applications which had been granted under delegated powers by the Clerk to the Board during the period 19 March 2025 to 30 April 2025.

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/RSL/2142

Applicant: Katie A McFarlane-Slack

Premises: Moss Restaurant, Glencoe, PH49 4HP

Type: On and off sales

There had been circulated Report No HLB/34/25 by the Clerk.

The applicant spoke in support of the application.

The Board **AGREED** to **GRANT** the premises licence subject to the mandatory conditions, the local conditions and special condition set out at 7.2 and 7.3 respectively of the report.

6.2 Ref: HC/CSR/2139

Applicant: Angela D Locke

Premises: Black Pearl Creole Kitchen, The Steading, Achtercairn, Gairloch

Type: On and Off Sales

There had been circulated Report No HLB/35/25 by the Clerk.

The applicant spoke in support of the application. The premises had been operating for 4 years, had previously used occasional licences, and had full support from the community to become a fully licenced restaurant.

The Board **AGREED** to **GRANT** the premises licence subject to the mandatory conditions and the local conditions set out at 7.2 of the report.

6.3 Ref: HC/CSR/2135

Applicant: Delicasea Limited

Premises: Deli-ca-sea Café, 2a West Shore Street, Ullapool

Type: On Sales

There had been circulated Report No HLB/36/25 by the Clerk.

The applicant spoke in support of the application. The café had been open for a year and the licence would allow for year round trade and employment.

The Board **AGREED** to **GRANT** the premises licence subject to the mandatory conditions only.

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/710

Applicant: Aviemore Whisky Shop Ltd, 92 Mason Road, Inverness, IV2 3SZ

Premises: Aviemore Whisky Shop, Unit 5, Myrtlefield Shopping Centre, Grampian Road, Aviemore, PH22 1RH

Type: Off Sales

There had been circulated Report No HLB/37/25 by the Clerk.

The Board **AGREED** to **GRANT** the provisional premises licence subject to the mandatory conditions and the local condition set out at 7.2 of the report.

7.2 Ref: HC/CSR/2140

Applicant: Royal Dornoch Golf Club, Golf Road, Dornoch, IV25 3LW

Premises: Royal Dornoch Golf Club, Golf Road, Dornoch, IV25 3LW

Type: On and off sales

There had been circulated Report No HLB/38/25 by the Clerk.

The applicant spoke in support of the application. Royal Dornoch was building a brand new clubhouse, the first in 120 years. Once completed, the current clubhouse would be knocked down. The licence for the new building would have a slight increase in public access.

The Board **AGREED** to **GRANT** the provisional premises licence subject to the mandatory conditions, local conditions, late opening conditions and special condition set out at 7.2 and 7.3 respectively of the report.

7.3 Ref: HC/RSL/2144

Applicant: Deli Gasta Ltd, Harrapool, Broadford, Isle of Skye, IV49 9AQ

Premises: Deli Gasta, The Old Mill, Harrapool, Broadford, Isle of Skye, IV49 9AQ

Type: On and Off Sales

There had been circulated Report No HLB/39/25 by the Clerk.

The Licensing Standards Officer (LSO) provided an update in terms of Section 5.1 (vii) of the Report, and it was confirmed that the issue had been resolved.

The Board **AGREED** to **GRANT** the provisional premises licence subject to the mandatory conditions only and the following amendments:

The hours of alcohol licensing operation are now to be:-

- On Sales: 1100 hours to 2100 hours Monday to Sunday
- Off Sales: 1000 hours to 2100 hours Monday to Sunday

Children and Young Persons policy, as termination hours are before the statements:-

- Remove wording 6 (b) until 2200 hours must be accompanied by adult after 2200 hours.
- Remove wording 6 (d) until 2200 hours unless attending private function or having a meal.

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/17

Applicant: Maximus Orkney Ltd, Invernairne, Thurlow Road, Nairn, IV12 4EZ

Premises: Invernairne Guest House, Thurlow Road, Nairn, IV12 4EZ

Type: On and Off sales

Variation:

1. Amend Company address to match address at 2(b) above.
2. Amend operating time Sunday-Thursday 1100-2400 hrs, Friday-Saturday: 1100-0100 hrs.
3. Retain seasonal variations and remove current wording within seasonal variation.
4. Q5(a) add restaurant and bar meals.
5. Q5(b) add receptions including (weddings, funerals, birthdays, retirements, etc., and club and other meetings.

6. Q5(c) add music, live performances and dance facilities.

7. Up-dated children and young persons policy.

There had been circulated Report No HLB/40/25 by the Clerk.

The objector outlined her objection to the major variation, expressing concern about noise associated with guests leaving the premises, and in particular, that the noise might occur later in the evening. The objector worried that, while the noise level was tolerable currently, it might become intolerable in the future.

The objector was realistic that guests could arrive and depart at any time, but her family was regularly woken by car doors closing and talking in the car park. She was also concerned about congregating and intoxication, and suggested signs be installed at the check-in desk and car park reminding guests to be considerate of the neighbours.

In response to a question from the applicant, the objector responded to why she had been unable to attend the open evening that the premises had held for the neighbours.

The applicant spoke in support of the application. He had been running the premises for 10 years and had worked hard to build up a good reputation. He had hosted an open evening for neighbours to allow them to ask questions and voice concerns.

The applicant explained that the bar was for residents only, calling the premises a guest house with a bar, rather than a bar with rooms. It was a family orientated premises with 5 family rooms. The variation would allow the residents to invite a friend or family member in for a drink.

The Clerk confirmed that the licensing legislation is very prescriptive. Any representation or objections raised must be on relevant licensing grounds for refusal and must directly relate to the sale of alcohol and directly attributable to the premises concerned. It cannot be based on speculation as to what might occur, for example, should a variation to a licence be granted.

During discussion, it was felt that the objector raised some realistic issues, however, the premises and applicant had covered what was required by the LSO, and the applicant seemed prepared to make small adjustments to cater for the objector's concerns. It was confirmed that if there were ongoing noise issues – that could be tied to the sale of alcohol from the premises – could not be resolved, the matter may come back to the Board for review.

The Board **AGREED** to **GRANT** the major variation to the premises licence subject to the mandatory conditions, existing local conditions and the special conditions and late opening conditions set out at 8.3 of the report.

8.2 Ref: HC/CSR/1798

Applicant: The Carnegie Whisky Cellars Ltd, The Carnegie Courthouse, Castle Street, Dornoch, IV25 3SD

Premises: The Carnegie Whisky Cellars, The Carnegie Courthouse, Castle Street, Dornoch, IV25 3SD

Type: On and Off sales

Variation:

1. Amend description of premises.
2. Amend and add to other activities.

There had been circulated Report No HLB/41/25 by the Clerk.

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

8.3 Ref: HC/CSR/1430

Applicant: Fortrose and Rosemarkie Golf Club

Premises: Fortrose and Rosemarkie Golf Club, Ness Road East, Fortrose

Type: On and Off Sales

Variation:

1. change the premises from a members only club to be open to members of the public and amend the premises description to take account of this;
2. amend the layout plan to increase the current licensed area to allow a motorised vehicle to sell drinks and snacks to golfers only on the links and to create designated children areas within clubhouse and outside;
3. increase on sales hours to 1000 hrs to 0100 hrs daily;
4. amend children and young persons policy;
5. add other services to be provided on the premises.

There had been circulated Report No HLB/42/25 by the Clerk.

The Board **AGREED** to **GRANT** the major variation to the premises licence subject to the mandatory conditions, existing local conditions, additional local condition (e) and the special condition set out at 8.3 of the report.

**9. Application for personal licence
Iarrtas airson ceadachd phearsanta**

9.1 Applicant: Jordon Longmuir

There had been circulated Report No HLB/43/25 by the Clerk.

The Board heard from the Licensing Sergeant who advised, in terms of Section 73 (3) (b) of the Licensing (Scotland) Act 2005, that the applicant had been convicted of a relevant offence. Information was provided in relation to the offence and the Police recommended the Board refused the application.

The Board **AGREED** to **REFUSE** the application for a personal licence. The reason being due to the nature of his convictions, it was deemed necessary to refuse the application for the purposes of the licensing objectives, namely preventing crime and disorder and securing public safety. In addition, the

applicant was deemed not to be a fit and proper person to be the holder of a personal licence due to the nature of the convictions, having regard to the licensing objectives, namely preventing crime and disorder and securing public safety.

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

10.1 Premises: Maleira's, 24 Grant Street, Inverness, IV3 8BN

Licence Holder: Robert Inglis, 33 Queensgate, Inverness, IV1 1DG

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

The meeting closed at 3.10pm.