

## The Highland Licensing Board

Meeting – Tuesday 17 December 2013

Agenda Item	<b>6</b>
Report No	<b>HLB/148/13</b>

### The Licensing (Scotland) Act 2005, Section 37

#### Premises Licence Review Proposal – Non Payment of Annual Premises Licence Fee 2013/14

#### Report by the Clerk to the Licensing Board

##### Summary

This Report relates to the non-payment of annual premises licence fees for the period 1 October 2013 to 30 September 2014.

#### 1.0 Background

1.1 In terms of the Licensing (Scotland) Act 2005, Schedule 3, Mandatory Condition 10, an Annual Premises Fee must be paid in accordance with the regulations.

In terms of the Licensing (Fees) (Scotland) Regulations 2007 payment of the Annual Premises Licence fee is due on 1 October each year.

1.2 An invoice in respect of this fee was issued to Premises Licence Holders by the Licensing Board on 1 September 2013, in accordance with the Regulations.

Two subsequent reminders have also been issued by the Council's Finance Service.

Details of the premises who have failed to pay this fee are attached as Appendix 1.

1.3 In terms of Section 37, if the Board decide to make a premises licence review proposal then the Board must hold a hearing for the purposes of considering and determining the proposal.

1.4 The grounds for any Premises Licence Review are:

- (a) That one or more of the conditions to which the premises licence is subject has been breached (ie. Mandatory Condition 10 - Non-payment of Annual Fee).
- (b) Any other ground relevant to one or more of the licensing objectives.

1.5 In terms of Section 39, if the Licensing Board establish that a ground for review is failure to pay the annual fee, it has the power to take the following steps:

- To issue a written warning to the licence holder,
- To make a variation of the licence,
- To suspend the licence for such period as the Board may determine,
- To revoke the licence.

1.6 The Premises Licence Holders have been advised of the possible consequences of failure to pay the annual fee.

### **Recommendation**

If the Board is satisfied that grounds for a Premises Licence Review have been established on the basis of non-payment of the annual premises fee, the Board are invited to make a Review Proposal with a view to holding Review Hearings at their next meeting.

Designation: Clerk to the Licensing Board

Date: 6 December 2013

Author: AMK/JT

Background Papers: The Licensing (Scotland) Act 2005.

Appendices: (A) Details of Premises for which annual fee remains outstanding.

## Appendix A

HC/INBS/226	Al Raj Harbour Street Nairn		Licence fee to 2013 unpaid
HC/INBS/52	Braeriach Hotel Main Street, Newtonmore		Licence fee to 2013 unpaid
HC/INBS/268	Bught Park Stores 98 Torvean Avenue Inverness		Licence fee to 2013 unpaid
HC/INBS/234	City Bar 21 Queensgate, Inverness		Licence fee to 2013 unpaid
HC/INBS/461	Cobbs at Urquhart Castle		Licence fee to 2013 unpaid
HC/INBS/60	Croy Shop Croy		Licence fee to 2013 unpaid
HC/INBS/240	Culloden Moor Inn Culloden Moor, Inverness		Licence fee to 2013 unpaid
HC/INBS/462	Daviot Lodge Daviot		Licence fee to 2013 unpaid
HC/INBS/207	Glen Affric Bar Castle Heather, Inverness		Licence fee to 2013 unpaid
HC/INBS/394	Highland Crossroads Gollanfields, Ardersier		Licence fee to 2013 unpaid
HC/INBS/322	International Starters 131 Grampian Road, Aviemore		Licence fee to 2013 unpaid
HC/INBS/523	Kool Runnings - A Taste of Jamaica Ltd Church Street, Inverness		Licence fee to 2013 unpaid
HC/INBS/88	LA Food Centre 36 Laurel Avenue, Invernes		Licence fee to 2013 unpaid
HC/INBS/454	Levels Ltd (formerly Shireen Tandoori) Union Street Inverness		Licence fee to 2013 unpaid
HC/INBS/176	Loch Ness Caravan Park Easter Port Clair, Invermoriston		Licence fee to 2013 unpaid
HC/INBS/432	Loch Ness Country House Hotel (formerly Dunain Park Hotel) Loch Ness Road, Inverness		Licence fee to 2013 unpaid
HC/INBS/267	Miami (formerly Bakoo) Baron Taylor Close, Inverness		Licence fee to 2013 unpaid
HC/INBS/359	No. 27 27 Castle Street Inverness		Licence fee to 2013 unpaid

HC/INBS/441	Ossian Hotel The Brae, Kincaig		Licence fee to 2013 unpaid
HC/INBS/469	Poachers Inn Lewiston, Drumnadrochit		Licence fee to 2013 unpaid
HC/INBS/516	Rosedene Bistro 2 Drummond Crescent Inverness		Licence fee to 2013 unpaid
HC/INBS/409	Royal Brackla Distillery Cawdor, Nairn		Licence fee to 2013 unpaid
HC/NBS/71	Star Hotel High Street, Kingussie		Licence fee to 2013 unpaid
HC/INBS/483	Station Newsagents (formerly The Bus Stop) Farraline Park, Inverness		Licence fee to 2013 unpaid
HC/INBS/347	Sylhet Brasserie The Square, Grantown on Spey		Licence fee to 2013 unpaid
HC/INBS/332	The Room 73 Academy Street, Inverness		Licence fee to 2013 unpaid
HC/INBS/542	Whisky by MacWilliam Ltd 10 Burnbrae Terrace, Westhill Inverness		Licence fee to 2013 unpaid
HC/INBS/100	Winking Owl, Grampian Road, Aviemore		Licence fee to 2013 unpaid
HC/RSL/1221	Duntulm Hotel, Duntulm, Isle of Skye		Licence fee to 2013 unpaid
HC/RSL/1362	Dunvegan Castle Café and Shop, Dunvegan		Licence fee to 2013 unpaid
HC/RSL/0178	Isle of Raasay Hotel, Isle of Raasay		Licence fee to 2013 unpaid
HC/RSL/1620	The Kilmartin, Restaurant, Staffin Community Hall, Staffin		Licence fee to 2013 unpaid
HC/RSL/0157	Urquhart Caledonian Hotel, Wentworth Street, Portree		Licence fee to 2013 unpaid
HC/CSER/1628	Bridgend Stores, 5 Novar Road, Alness		Licence fee for 2013 unpaid
HC/CSER/0722	Commercial Hotel, Main Street, Balintore		Licence fee for 2013 unpaid
HC/CSER/0909	Curry King, 15 Bridge Street, Wick		Licence fee for 2013 unpaid
HC/CSER/1640	Greens Market, Market Street, Tain		Licence fee for 2013 unpaid
HC/CSER/0790	Red Chilli, 11 St Duthus Street, Tain		Licence fee for 2013 unpaid
HC/CSER/0406	Shorehouse Seafood Restaurant, Tarbet, Scourie		Licence fee for 2013 unpaid

HC/CSER/1337	The Old Mill Restaurant, High Street, Invergordon		Licence fee for 2013 unpaid
HC/RSL/1533	Applecross Walled Garden		Licence fee for 2013 unpaid
HC/RSL/0223	Conon Bridge Hotel, Conon Bridge		Licence fee for 2013 unpaid
HC/RSL/1192	Fuaran Bar, Altandhu, Achiltibuie		Licence fee for 2013 unpaid
HC/RSL/0960	The Picture House, Dingwall		Licence fee for 2013 unpaid
HC/RSL/0146	Tarradale Hotel, Muir of Ord		Licence fee for 2013 unpaid
HC/RSL/1644	Allt Nan Ros, Onich		Licence fee for 2013 unpaid
HC/RSL/1382	Ardgour Stores, Ardgour		Licence fee for 2013 unpaid
HC/RSL/1155	Corrou Station House, Corrou		Licence fee for 2013 unpaid
HC/RSL/1399	Everest Indian Restaurant, High Street, Fort William		Licence fee for 2013 unpaid
HC/RSL/1053	Innseagan House Hotel, Achintore Road, Fort William		Licence fee for 2013 unpaid
HC/RSL/0453	Isle of Eigg Shop, An Laimhrig, Isle of Eigg		Licence fee for 2013 unpaid
HC/RSL/0207	Linnhe Lochside Holidays Shop, Corpach, Fort William		Licence fee for 2013 unpaid
HC/RSL/0271	Marine Hotel, Station Road, Mallaig		Licence fee for 2013 unpaid
HC/RSL/1450	Mingarry Park Guest House, Mingarry, Acharacle		Licence fee for 2013 unpaid
HC/RSL/1374	Onich Hotel, Onich, Fort William		Licence fee for 2013 unpaid
HC/RSL/206	Roy Bridge Stores, Roy Bridge		Licence fee for 2013 unpaid
HC/RSL/1389	Stronlossit Inn, Roy Bridge		Licence fee for 2013 unpaid
HC/RSL/1539	The Ferry Stores, Kilchoan, Acharacle		Licence fee for 2013 unpaid
HC/RSL/1120	West Highland Hotel, Mallaig, Inverness-shire		Licence fee for 2013 unpaid