

The Highland Licensing Board

Meeting – 5 March 2014

Agenda Item	3
Report No	HLB/032/14

The Licensing (Scotland) Act 2005

Premises Licence Review Hearing – Altnacealgach Inn, by Lairg Non Payment of Annual Premises Licence Fee 2013/14

Report by the Clerk to the Licensing Board

Summary

The Board made a premises licence review proposal on 4 February 2014 in respect of Altnacealgach Inn, by Lairg for which the annual premises licence fee for the year 2013/14 remains unpaid in breach of the mandatory condition of licence. The Board must hold a review hearing to consider and determine their review proposal in respect of these premises for which the annual licence fee remains unpaid.

1. In terms of the Licensing (Scotland) Act 2005 an annual fee is payable for each premises licence. The fee becomes due on 1 October in each year.
2. The annual fee in respect of the licence for Altnacealgach Inn was due on 1 October 2013.
3. The Board has complied with its legal obligation to send a reminder no later than 30 days before the date on which the fees were due.
4. The licence holders have accordingly received these reminders and have been advised of the possible consequences of failure to pay.
5. The licence holders were given the opportunity to pay the fee by 4 instalments. The first instalment was paid timeously on 1 December 2013, but the second instalment which was due on 1 January 2014 has not been paid, and the amount of £145.25 remains outstanding.
6. Payment of the annual fee is a mandatory condition of holding a licence and the Act clearly specifies that the fee must be paid as required.

The annual fees represent approximately 66% of the income required by the Board to meet the expenses incurred by the Board in administering the Act.

7. The licence holders and the Licensing Standards Officer have been given notice of the review proposal and of the review hearing.

The Licensing Standards Officer's Report on the review proposal is attached and the Board must take the report into account at the review hearing.

8. In terms of Section 39 of the Act, if at a review hearing the Board is satisfied that the ground for review is established, the Board may take such of the following steps as the Board considers necessary or appropriate for the purposes of any of the licensing objectives:-
9. 1. Issue a written warning
 2. Make a variation of the licence
 3. Suspend the licence for such period as the Board may determine
 4. Revoke the licence

10. Recommendation:

The Board is invited to hear the licence holders and then to consider and determine the premises licence review.

Designation: Clerk to the Licensing Board
Date: 11 February 2014
Author: G Sutherland

Background Papers: The Licensing Scotland (Act) 2005

Appendix: Licensing Standards Officer's Report dated 16 January 2014

Report by the Licensing Standards Officer

Premises Licence Review Proposal.

Premises: Altnacealgach Inn, By Lairg. HC/CSER/HC/CSER/0533

1. Summary

- 1.1 Fiona and Robert Sherman are the holders of the above premises licence.
- 1.2 The premises licence is subject to Mandatory Conditions in accordance with Schedule 3 of the Licensing (Scotland) Act, 2005.
- 1.3 To date, the annual fee of £192 due on 1st October 2013 has not been paid.
- 1.4 I had made the Clerk aware of certain circumstances concerning the operation of the premises. In the circumstances he agreed to allow the fee to be paid by 4 instalments.
- 1.5 The first instalment was paid on time but the 2nd, due on 1st January 2014, has not been paid. The licence holder has not responded to email correspondence from me and I am unable to make telephone contact.

2.1 Background Information:

- 2.2 I can confirm that all appropriate correspondence and reminders in respect of payment of the annual fee by the due date had been sent to the licence holder within approved timescales.

Designation: Licensing Standards Officer

Reference: HC/CSER/0533

Date: 16 January 2014

Author: David Inglis

Background Papers: The Licensing (Scotland) Act 2005