

The Highland Licensing Board

Meeting – 6 January 2015

Agenda Item	5
Report No	HLB/003/15

**The Licensing (Scotland) Act 2005
Premises Licence Review Hearings - Non Payment of Annual Premises
Licence Fees
Report by the Clerk to the Licensing Board**

Summary

The Board made premises licence review proposals on 11 December 2014 in respect of those premises for which the annual premises licence fee for the year 2014/15 remained unpaid in breach of the mandatory condition of licence. The Board must hold review hearings to consider and determine their review proposals in respect of the following premises for which annual licence fees remain unpaid.

1	HC/RSL/0271	Marine Hotel, Mallaig
2	HC/RSL/1221	Duntulm Castle Hotel, Duntulm
3	HC/INBS/60	Croy Shop, Croy
4	HC/INBS/462	Daviot Lodge, Daviot
5	HC/INBS/557	Macveans, Fort Augustus
6	HC/INBS/362	The Lodge Hotel, Newtonmore
7	HC/INBS/228	UV Nightclub, Inverness
8	HC/INBS/542	Whisky by MacWilliam, Inverness
9	HC/INBS/19	Windsor Hotel, Nairn

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 fees in respect of the licences for each of the premises listed above were due on 1 October 2014.
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 listed above have accordingly received these reminders and have been advised of the possible consequences of failure to pay.

5. 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.

6. The Premises Licence Holders listed above and the Licensing Standards Officer for the area in which each premises concerned are situated have been given notice of the review proposals and of the review hearings.
7. The Licensing Standards Officers' Reports on the review proposals are attached at Appendix 1 and the Board must take the relevant report into account at each 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:-
 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

7. Recommendation:

The Board is invited to hear the above licence holders and then to consider and determine the premises licence review proposal for each of the premises detailed above.

Author: Clerk to the Licensing Board
Date: 12 December 2014

Appendices: Licensing Standards Officer's Reports

Report by the Licensing Standards Officer

Review Hearing in terms of the Licensing (Scotland) Act 2005, Section 38(1)

Premises: Marine Hotel, Mallaig

1.0 Licensing History:

- 1.1 Nancy G Georgeson is the holder of the premises licence HC/RSL/0271 for the premises known as Marine Hotel, Mallaig. The premises are described as a three storey hotel in the village of Mallaig. The Premises Licence was granted on conversion on 1st September 2009.
- 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 £245 due on 1 October 2014 has not been paid.

2.0 Legislation:

- 2.1 In terms of the Mandatory Conditions in accordance with Schedule 3 of the Licensing (Scotland) Act, 2005 introduced by Section 27(1), an annual fee must be paid by virtue of the regulations under section 136(1).
- 2.2 On 11 December 2014, I received notice in terms of section 38(b)(ii) of the Licensing (Scotland) Act 2005 of the Highland Licensing Board's intention to hold a review hearing in respect of the above premises following the Premises Licence Holder's failure to pay the prescribed annual fee in breach of Mandatory Condition 10.
- 2.3 This Report is submitted in terms of section 38(4) (a) of the Licensing (Scotland) Act, 2005.

3 Background Information:

- 3.1 I can confirm that the Licensing Board's correspondence dated 15 December 2014 informing the Premises Licence Holder of the proposed review hearing was sent by First Class post and Recorded Delivery.
- 3.2 To my knowledge the Premises are currently open and trading.

Designation: Licensing Standards Officer

Reference: HC/RSL/0271

Date: 15 December 2014

Author: Elizabeth Treasurer

Background Papers: The Licensing (Scotland) Act 2005

Report by the Licensing Standards Officer

Review Hearing in terms of the Licensing (Scotland) Act 2005, Section 38(1)

Premises: Duntulm Castle Hotel, South Duntulm, Portree, Isle of Skye, IV51 9UF

1.0 Licensing History:

- 1.1 Dianne M Rocks is the holder of the premises licence HC/RSL/1221 for the premises known as Duntulm Castle Hotel. The premises are described as a hotel with 27 letting bedrooms and bar and restaurant situated at the northernmost tip of Skye on the Trotternish Peninsula.
- 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 £245 due on 1 October 2014 has not been paid.

2.0 Legislation:

- 2.1 In terms of the Mandatory Conditions in accordance with Schedule 3 of the Licensing (Scotland) Act, 2005 introduced by Section 27(1), an annual fee must be paid by virtue of the regulations under section 136(1).
- 2.2 On 11 December 2014, I received notice in terms of section 38(b)(ii) of the Licensing (Scotland) Act 2005 of the Highland Licensing Board's intention to hold a review hearing in respect of the above premises following the Premises Licence Holder's failure to pay the prescribed annual fee in breach of Mandatory Condition 10.
- 2.3 This Report is submitted in terms of section 38(4) (a) of the Licensing (Scotland) Act, 2005.

3 Background Information:

- 3.1 I can confirm that the Licensing Board's correspondence dated 15 December 2014 informing the Premises Licence Holder of the proposed review hearing was sent by First Class post and Recorded Delivery.
- 3.2 To my knowledge the Premises are not currently open and trading.

Designation: Licensing Standards Officer

Reference: HC/RSL/1221

Date: 15 December 2014

Author: Elizabeth Treasurer

Background Papers: The Licensing (Scotland) Act 2005

Report by the Licensing Standards Officer

Review Hearing in terms of the Licensing (Scotland) Act 2005, Section 38(1)

Premises: Croy Shop, Croy IV2 5PQ

1. Licensing History:

- 1.1 David Alexander Matheson is the holder of premises licence HC/INBS/60 for the premises known as Croy Shop, Croy, Inverness Shire. The premises are a small country general store incorporating a small display of alcohol.
- 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 1 October 2014 has not been paid.

2. Legislation:

- 2.1 In terms of the Mandatory Conditions in accordance with Schedule 3 of the Licensing (Scotland) Act, 2005 introduced by Section 27(1), an annual fee must be paid by virtue of the regulations under section 136(1).
- 2.2 On 11 December, 2014, I received notice in terms of section 38(b)(ii) of the Licensing (Scotland) Act 2005 of the Highland Licensing Board's intention to hold a review hearing in respect of the above premises following the Premises Licence Holder's failure to pay the prescribed annual fee in breach of Mandatory Condition 10.
- 2.3 This Report is submitted in terms of section 38(4) (a) of the Licensing (Scotland) Act, 2005.

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Background Information:

3.1

I can confirm that the Licensing Board's correspondence dated 6 November 2014 informing the Premises Licence Holder of the proposed review hearing was sent by First Class post.

The Premises have not traded for some considerable time and the Licence Holder has not made contact with the Licensing Board in relation to the non-payment of the annual fee.

Designation: Licensing Standards Officer

Reference: HC/INBS/60

Date: 15 December 2014

Author: Ian Cox

Background Papers: The Licensing (Scotland) Act 2005

Report by the Licensing Standards Officer

Review Hearing in terms of the Licensing (Scotland) Act 2005, Section 38(1)

Premises: Daviot Lodge, Daviot Inverness Shire

1. Licensing History:

- 1.1 Margaret MacDonald is the holder of premises licence HC/INBS/462 for the premises known as Daviot Lodge, Daviot, Inverness Shire. The premises are an up-market bed and breakfast premises which sells a small range of alcohol to persons who have booked accommodation there.
- 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 £157 due 1 October 2014 has not been paid.

2. Legislation:

- 2.1 In terms of the Mandatory Conditions in accordance with Schedule 3 of the Licensing (Scotland) Act, 2005 introduced by Section 27(1), an annual fee must be paid by virtue of the regulations under section 136(1).
- 2.2 On 11th December, 2014, I received notice in terms of section 38(b)(ii) of the Licensing (Scotland) Act 2005 of the Highland Licensing Board's intention to hold a review hearing in respect of the above premises following the Premises Licence Holder's failure to pay the prescribed annual fee in breach of Mandatory Condition 10.
- 2.3 This Report is submitted in terms of section 38(4) (a) of the Licensing (Scotland) Act, 2005.

3 Background Information:

- 3.1 I can confirm that the Licensing Board's correspondence dated 6 November 2014 informing the Premises Licence Holder of the proposed review hearing was sent by First Class post.

- 3.2 The Premises have not traded for some considerable time and the Licence Holder has not made contact with the Licensing Board in relation to the non-payment of the annual fee.

Designation: Licensing Standards Officer

Reference: HC/INBS/462

Date: 15 December 2014

Author: Ian Cox.

Background Papers: The Licensing (Scotland) Act 2005

Report by the Licensing Standards Officer

Review Hearing in terms of the Licensing (Scotland) Act 2005, Section 38(1)

Premises: MacVeans, Fort Augustus

1.0 Licensing History:

- 1.1 Audrey C. Scott is the holder of the premises licence HC/INBS/557 for the premises known as MacVeans, Fort Augustus. The premises are described as a supermarket offering a wide range of groceries, newspapers and off sales; a gift shop and a restaurant with 80 covers.
- 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 £157 due on 1 October 2014 has not been paid.

2.0 Legislation:

- 2.1 In terms of the Mandatory Conditions in accordance with Schedule 3 of the Licensing (Scotland) Act, 2005 introduced by Section 27(1), an annual fee must be paid by virtue of the regulations under section 136(1).
- 2.2 On 11 December 2014, I received notice in terms of section 38(b)(ii) of the Licensing (Scotland) Act 2005 of the Highland Licensing Board's intention to hold a review hearing in respect of the above premises following the Premises Licence Holder's failure to pay the prescribed annual fee in breach of Mandatory Condition 10.
- 2.3 This Report is submitted in terms of section 38(4) (a) of the Licensing (Scotland) Act, 2005.

3 Background Information:

- 3.1 I can confirm that the Licensing Board's correspondence dated 6 November 2014 informing the Premises Licence Holder of the proposed review hearing was sent by First Class post.
- 3.2 To my knowledge the premises are currently open and trading.

Designation: Licensing Standards Officer

Reference: HC/RSL/0271

Date: 15 December 2014

Author: Elizabeth Treasurer

Background Papers: The Licensing (Scotland) Act 2005

Report by the Licensing Standards Officer

Review Hearing in terms of the Licensing (Scotland) Act 2005, Section 38(1)

Premises: The Lodge Hotel, Newtonmore, Inverness-Shire

1. Licensing History:

- 1.1 The Lodge Hotel is the holder of premises licence HC/INBS/362 for the premises known as The Lodge Hotel, Laggan Road, Newtonmore, Inverness Shire. The premises are a detached Hotel within their own substantial grounds who hold an alcohol 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 £245 due on 1 October 2014 has not been paid.

2. Legislation:

- 2.1 In terms of the Mandatory Conditions in accordance with Schedule 3 of the Licensing (Scotland) Act, 2005 introduced by Section 27(1), an annual fee must be paid by virtue of the regulations under section 136(1).
- 2.2 On 11 December, 2014, I received notice in terms of section 38(b)(ii) of the Licensing (Scotland) Act 2005 of the Highland Licensing Board's intention to hold a review hearing in respect of the above premises following the Premises Licence Holder's failure to pay the prescribed annual fee in breach of Mandatory Condition 10.
- 2.3 This Report is submitted in terms of section 38(4) (a) of the Licensing (Scotland) Act, 2005.

3 Background Information:

- 3.1 I can confirm that the Licensing Board's correspondence dated 6 November 2014 informing the Premises Licence Holder of the proposed review hearing was sent by First Class post.
- 3.2 The Premises have not traded for some considerable time. The daughter of the senior partner and premises manager Sarah Goode has contacted the Licensing Office in Inverness advising that the Hotel would be ceasing to trade and would not be renewing the premises licence following a serious illness affecting her father.

Designation: Licensing Standards Officer

Reference: HC/INBS/362

Date: 15 December 2014

Author: Ian Cox.

Background Papers: The Licensing (Scotland) Act 2005

Report by the Licensing Standards Officer

Review Hearing in terms of the Licensing (Scotland) Act 2005, Section 38(1)

Premises: UV Nightclub, Inverness Inverness Shire

1. Licensing History:

- 1.1 Inverness Properties Limited, Myrtlefield House, Grampian Road, Aviemore PH22 1RH is the holder of premises licence HC/INBS/228 for the premises known as UV Nightclub, Rose Street, Inverness Shire. The premises are a late night venue, comprising dance floor stage area, bar and cloakroom facilities.
- 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 £438 due on 1st October 2014 has not been paid.

2. Legislation:

- 2.1 In terms of the Mandatory Conditions in accordance with Schedule 3 of the Licensing (Scotland) Act, 2005 introduced by Section 27(1), an annual fee must be paid by virtue of the regulations under section 136(1).
- 2.2 On 11th December, 2014, I received notice in terms of section 38(b)(ii) of the Licensing (Scotland) Act 2005 of the Highland Licensing Board's intention to hold a review hearing in respect of the above premises following the Premises Licence Holder's failure to pay the prescribed annual fee in breach of Mandatory Condition 10.
- 2.3 This Report is submitted in terms of section 38(4) (a) of the Licensing (Scotland) Act, 2005.

3 Background Information:

- 3.1 I can confirm that the Licensing Board's correspondence dated 6 November 2014 informing the Premises Licence Holder of the proposed review hearing was sent by First Class post.
- 3.2 The Premises have not traded for some considerable time. The premises licence is held by Inverness Properties Ltd who are in the habit of leasing the property to tenants who then fill the premises manager's role. It is believed they have failed to attract another tenant and have earmarked the property for other development.

Designation: Licensing Standards Officer

Reference: HC/INBS/228

Date: 15th December 2014

Author: Ian Cox.

Background Papers: The Licensing (Scotland) Act 2005

Report by the Licensing Standards Officer

Review Hearing in terms of the Licensing (Scotland) Act 2005, Section 38(1)

Premises: Whisky by MacWilliam, 10 Burnbrae Terrace, Westhill , Inverness, Inverness Shire

1. Licensing History:

- 1.1 Ronald James MacWilliam is the holder of premises licence HC/INBS/542. The premises are a specialist supplier of exclusive malt whiskies by way of off sale only. The premises is a bedroom of the Licence Holder's dwelling at 10 Burnbrae Terrace, Westhill, used for storing whisky which is collected by or despatched to purchasers.
- 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 £157 due on 1 October 2014 has not been paid.

2. Legislation:

- 2.1 In terms of the Mandatory Conditions in accordance with Schedule 3 of the Licensing (Scotland) Act, 2005 introduced by Section 27(1), an annual fee must be paid by virtue of the regulations under section 136(1).
- 2.2 On 11th December, 2014, I received notice in terms of section 38(b)(ii) of the Licensing (Scotland) Act 2005 of the Highland Licensing Board's intention to hold a review hearing in respect of the above premises following the Premises Licence Holder's failure to pay the prescribed annual fee in breach of Mandatory Condition 10.
- 2.3 This Report is submitted in terms of section 38(4) (a) of the Licensing (Scotland) Act, 2005.

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Background Information:

- 3.1 I can confirm that the Licensing Board's correspondence dated 6 November 2014 informing the Premises Licence Holder of the proposed review hearing was sent by First Class post.
- 3.2 Despite several attempts to contact the Licence Holder the outstanding fees remain unpaid. The Licence Holder has neglected to update the Board on the status of the Licence.

Designation: Licensing Standards Officer

Reference: HC/INBS/542

Date: 15 December 2014

Author: Ian Cox

Background Papers: The Licensing (Scotland) Act 2005

Report by the Licensing Standards Officer

Review Hearing in terms of the Licensing (Scotland) Act 2005, Section 38(1)

Premises: Windsor Hotel, 16 Albert Street, Nairn

1. Licensing History:

- 1.1 Arrantay Ltd is the holder of Premises Licence HC/INBS/19. The premises are a 52 bedroom hotel, with conference rooms and bar area. The premises ceased to trade during 2014.
- 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 £438 due on 1 October 2014 has not been paid.

2. Legislation:

- 2.1 In terms of the Mandatory Conditions in accordance with Schedule 3 of the Licensing (Scotland) Act, 2005 introduced by Section 27(1), an annual fee must be paid by virtue of the regulations under section 136(1).
- 2.2 On 11 December, 2014, I received notice in terms of section 38(b)(ii) of the Licensing (Scotland) Act 2005 of the Highland Licensing Board's intention to hold a review hearing in respect of the above premises following the Premises Licence Holder's failure to pay the prescribed annual fee in breach of Mandatory Condition 10.
- 2.3 This Report is submitted in terms of section 38(4) (a) of the Licensing (Scotland) Act, 2005.

3 Background Information:

- 3.1 I can confirm that the Licensing Board's correspondence dated 6 November 2014 informing the Premises Licence Holder of the proposed review hearing was sent by First Class post.
- 3.2 Despite several attempts to contact the Licence Holder the outstanding fees remain unpaid. The Licence Holder has neglected to update the Board on the status of the Licence. The premises are currently empty and in a dilapidated state of repair.

Designation: Licensing Standards Officer

Reference: HC/INBS/19

Date: 15 December 2014

Author: Ian Cox

Background Papers: The Licensing (Scotland) Act 2005