

The Highland Licensing Board

Meeting – 6 January 2017

Agenda Item	6
Report No	HLB/003/17

The Licensing (Scotland) Act 2005, Section 37

Premises licence review proposal – Non-payment of annual premises licence fee 2016/17

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 2016 to 30 September 2017.

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 the annual fee due on 1 October 2016 was issued to premises licence holders by the Licensing Board in accordance with the Regulations.

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

Details of the premises licences in respect of which this fee has still not been paid are set out in Appendix 1 to this report.

1.3 Breach of one or more of the conditions to which a premises licence is subject is a ground on which the premises licence may be reviewed in terms of section 36 of the Act.

1.4 In terms of section 37 of the Act, if a ground for review is alleged, the Board may make a premises licence review proposal. Once a review proposal is made the Board must then hold a review hearing under section 38 of the Act for the purposes of considering and determining the review proposal.

1.5 In terms of section 39 of the Act, at a review hearing in relation to any premises licence, the Board may, if satisfied that a ground for review is established, take any the following steps if the Board considers this necessary and appropriate for the purposes of any of the licensing objectives:

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

1.6 The premises licence holders listed in Appendix 1 have been warned that their failure to pay the annual fee in accordance with mandatory condition 10 is a ground for review of their premises licences and have been advised of the possible consequences.

Recommendation

The Board is invited to make a review proposal in respect of each of the premises licences listed in Appendix 1 with a view to holding review hearings at the Board's next meeting. The alleged ground of review is non-payment of annual fees in breach of mandatory condition 10 to which each premises licence is subject.

Date: 13 December 2016

Author: Susan Blease

Background Papers: The Licensing (Scotland) Act 2005.

Appendices: 1. Details of Premises for which annual fee remains outstanding.

Appendix 1

Reference	Premises	Licence holder	Ground of review
HC/RSL/0158	MacKinnon Country House Hotel	Navidale Estates Ltd	Non-payment of annual fee
HC/CSR/1733	Caithness Balti House, 134 High Street, Wick	Abarok Ali	Non-payment of annual fee
HC/CSR/1633	Retro, 6 Bridge Street, Wick	Yvonne Fitzgerald	Non-payment of annual fee
HC/CSR/0806	Spice Tandoori, 2 The Shore, Wick	Ali and Sons Holding Ltd	Non-payment of annual fee
HC/CSR/1585	Spice Tandoori, 18 Princes Street, Thurso	Ali and Sons Holding Ltd	Non-payment of annual fee
HC/CSR/0371	The Forsinard Hotel	John V Leonard	Non-payment of annual fee
HC/CSR/1442	The Thurso Club	The Thurso Club	Non-payment of annual fee
HC/RSL/0594	The Anderson, Union Street, Fortrose	The Peterson Group	Non-payment of annual fee
HC/RSL/1447	Highland Groceries, Great North Road, Muir of Ord	Mohammed Islam Chaudhry	Non-payment of annual fee
HC/RSL/0960	Picture House, High Street, Dingwall	Julie A Sweeney	Non-payment of annual fee
HC/CSR/1750	Platform 1864, Station Road, Tain	Graham Rooney	Non-payment of annual fee
HC/INBS/32	Indian Ocean 64-66 Academy Street Inverness	Mohammed Zahidul Karim	Non-payment of annual fee
HC/INBS/126	The Coppice Hotel Grant Road Grantown on Spey	Julie Stewart	Non-payment of annual fee
HC/INBS/157	Maple Court Hotel 12 Ness Walk Inverness	LRM Inverness Hotel Ltd	Non-payment of annual fee
HC/INBS/176	Loch Ness Caravan Park Easter Port Clair Invermoriston	Robert McBeth Girvan	Non-payment of annual fee

HC/INBS/523	Kool Runnings – A Taste of Jamaica Ltd 14 Church Street Inverness	Highlands and Islands Properties Ltd	Non-payment of annual fee
HC/INBS/550	Aviemore News Unit 1 Myrtlefield Centre Grampian Road Aviemore	The Partnership of Ernest Kopp and Debra Kopp (Cypress Rose Ltd)	Non-payment of annual fee