

ITEM 3

THE HIGHLAND LICENSING BOARD

Minute of the meeting of the Highland Licensing Board held in the Council Chamber, Council Headquarters, Glenurquhart Road, Inverness, Tuesday 3 October 2017 at 1.00pm.

Present:

Mr J Bruce
Ms E Knox
Mrs L MacDonald
Mr D Macpherson
Mrs P Munro

In Attendance:

Ms S Blease, Clerk
Ms C McArthur, Depute Clerk
Mr I Cox, Licensing Standards Officer
Mr D Inglis, Licensing Standards Officer
Ms A Macrae, Committee Administrator

Also In Attendance:

Sergeant N MacKinnon Police Scotland
PC J Williamson, Police Scotland

Item 8.1: Mr M Harrington, for the applicant and Mr D Hossack, solicitor for the applicant
Item 8.2: Mr A MacDonald, for the applicant
Item 8.3: Mrs L Murray, solicitor for the applicant
Item 8.4: Ms C Louden and Mr H Fraser, for the applicant
Item 8.5: Mrs L Murray, solicitor for the applicant
Item 9.1: R and R Yorston, for the applicant and Mrs L Murray, solicitor for the applicant
Item 9.3: Mrs L Murray, solicitor for the applicant
Item 9.4: Mr E McIntosh, applicant and Mr D Hossack, solicitor for the applicant
Item 9.5: Mrs L Murray, solicitor for the applicant
Item 9.7: Mr G Williamson, for the applicant and Mrs L Murray, solicitor for the applicant
Item 9.9: Mr J McGregor, for the applicant
Item 10.1: Ms J Ondarroa, applicant

Briefing on Protocol for Webcasting of Meetings.

In the absence of the Convener, the Vice Convener took the Chair. She 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 Dr I Cockburn, Mr A Jarvie, Mr W Mackay, Mr K Rosie and Mr C Smith.

**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 2 August 2017.

The Minute was held as read and **APPROVED**.

**4. Licensing (Scotland) Act 2005
Licences granted under delegated powers
Ahd Ceadachd (Alba) 2005
Ceadachdan a bhuilicheadh fo Ùghdarras air a Thiomnadh**

There had been circulated Report No HLB/099/17 detailing licences which had been granted under delegated powers by the Clerk to the Board during the period 21 July 2017 to 20 September 2017.

The Board **NOTED** the report.

**5. Licensing (Scotland) Act 2005
Occasional licences and extended hours
granted under Delegated Powers
Ahd Ceadachd (Alba) 2005
Ceadachdan Corra-uair agus uairean sìnte a bhuilicheadh fo ùghdarras
air a thiomnadh**

There had been circulated Report No HLB/100/17 detailing occasional licences and extended hours applications which had been granted under delegated powers by the Clerk to the Board during the period 21 July 2017 to 20 September 2017.

The Board **NOTED** the report.

**6. Festive Period Dates 2017/2018
Cinn-latha Ràithe na Nollaige 2017-2018**

The Board **NOTED** that the dates between which festive period hours under the Board's Policy Statement may be permitted in 2017/18 have been agreed under delegated powers as follows:

Description of Premises:	Terminal Hour:	Period which may be applied for:
<p>Late night opening premises</p> <p>(as defined in section 2.1 of the Board's Policy Statement 2013-18</p>	0400 hrs	<p>From Friday 8 December 2017 (allowing extensions to licensed hours commencing Thursday 7 December into Friday 8 December);</p>
Other Premises	0200hrs	<p>To Wednesday 3 January 2018 (allowing extensions to licensed hours commencing on Tuesday 2 January into Wednesday 3 January only).</p>

**7. Licensing (Scotland) Act 2005
Applications for new premises licences
Achd na Ceadachd (Alba) 2005
Larrtas airson cheadachdan thogalaichean ura**

7.1 Ref: HC/RSL/1838

Applicant: Sleat Community Trading Company Limited

Premises: Armadale Stores, Armadale, Sleat, Isle of Skye

Type: Off Sales

There had been circulated Report No HLB/101/17 by the Clerk which invited the Board to determine the application.

The Depute Clerk advised that in terms of Section 123(5) of the Licensing (Scotland) Act, the Board was required to consider if it was satisfied the premises were not excluded premises. This was on the basis that although the premises were used for the sale by retail of petrol or derv, they were premises on which persons in the locality are, or are likely to become reliant to a significant extent as the principle source of petrol, derv or groceries in that locality.

Members agreed that they were satisfied that the premises were not excluded premises and, thereafter, the Board **AGREED** to **GRANT** the premises licence subject to mandatory conditions only.

7.2 Ref: HC/INBS/612

Applicant: Balliefurth Limited, An Dachaid Uaine, Cromdale, Grantown-on-Spey

Premises: Balliefurth Farm Shop, Station Road, Nethybridge

Type: Off Sales

There had been circulated Report No HLB/102/17 by the Clerk which invited the Board to determine the application.

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

8. Licensing (Scotland) Act 2005
Applications for provisional premises licences
Achd Ceadachd (Alba) 2005
Iarrtas airson ceadachdan thogalaichean le cumha

8.1 Ref: HC/INBS/613

Applicant: Travelodge Hotels Limited, Sleepy Hollow, Aylesbury Road, Thame, Oxon, per Morton Fraser, Solicitors, Quatermile Two, 2 Lister Square, Edinburgh

Premises: Travelodge, Ballantyne House, 84 Academy Street, Inverness

Type: On Sales

There had been circulated Report No HLB/103/17 by the Clerk which invited the Board to determine the application.

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

8.2 Ref: HC/RSL/1835

Applicant: R and B Distillers Ltd per Macdonald Licensing Limited, 21A Tutland Square, Edinburgh, EH1 2BB

Premises: Isle of Raasay Distillery, Isle of Raasay, Kyle

Type: On Sales and Off Sales

There had been circulated Report No HLB/104/17 by the Clerk which invited the Board to determine the application.

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

8.3 Ref: HC/RSL/1837

Applicant: Gordon Macphie per Lorna Murray, Solicitor, 45 Culduthel Road, Inverness

Premises: The Misty Bottle, Old Post Office, Breakish, Isle of Skye

Type: On Sales and Off Sales

There had been circulated Report No HLB/105/17 by the Clerk which invited the Board to determine the application.

The Board **AGREED** to **GRANT** the provisional premises licence subject to mandatory conditions and the special condition as set out at 7.3 of the report.

8.4 Ref: HC/RSL/1834

Applicant: Torabhaig Distillery Limited per TLT LLP, Hobart House, 80 Hanover Street, Edinburgh

Premises: Torabhaig Distillery, Teangue, Sleat, Isle of Skye

Type: On Sales and Off Sales

There had been circulated Report No HLB/106/17 by the Clerk which invited the Board to determine the application.

Ms C Loudon, on behalf of the applicant, explained that the application sought to commence on-sales from 0900 hrs to allow customers on early morning tours to sample products on the premises.

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

8.5 Ref: HC/CSR/1833

Applicant: Coco Hair, Beauty Spa Limited per Inn Business Scotland, Forsyth House, Lomond Court, Castle Business Park, Stirling

Premises: Coco Hair Beauty and Spa, Plot 3 Dornoch Business Park, Dornoch

Type: On and Off Sales

There had been circulated Report No HLB/107/17 by the Clerk which invited the Board to determine the application.

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

9. Licensing (Scotland) Act 2005

Applications for variation (major) to premises licences

Achd Ceadachd (Alba) 2005

Iarrtasan airson Caochladh (Mòr) a thaobh ceadachdan thogalaichean

9.1 Ref: HC/INBS/332

Applicant: R&B (Inverness) Ltd, Strath Bay House, Gairloch, IV21 2BP per Lorna Murray, Solicitor, 45 Culduthel Road, Inverness

Premises: R&Bs (formerly The Room), 73 Queensgate, Inverness

Type: On and Off Sales

There had been circulated Report No HLB/108/17 by the Clerk which advised that timeous notices of objection had been received from Lynda Fraser, Sophia Lennox, Gary Maclean and Robert Smith. The Board was invited to determine the application.

The Depute Clerk confirmed that the objectors were not present at the meeting.

The Licensing Standards Officer reported that Ms S Lennox had formally withdrawn her objection to the application. He understood the applicant had spoken with the other objectors and that they were content with the noise management plan which had been produced in support of the application. He indicated that many of the issues raised in the objections did not relate specifically to the premises, but to alleged noise and nuisance which may be linked to a number of late opening premises in the city centre and customers moving between premises.

Mrs L Murray, on behalf of the applicant, spoke in support of the application as follows;

- her client, Mr R Yorston, had for a period of 25 years been the tenant of a popular and well run neighbouring establishment which had offered significant entertainment, and was seeking to use his experience and training to replicate this proven business model at the premises;
- in relation to the objections received, her clients had offered to meet with the objectors to explain the proposals, resolve any issues and provide assurances, following which one objection had been withdrawn and it was understood the others objectors were now content in respect of the application;
- her clients had run a number of late opening trials under extended hours applications and this together with the major variation application process had provided them with valuable experience and insight into the requirements to meet the demands of both customers and neighbouring residents;
- all possible measures would be taken to minimise any street noise within their control at the premises, including the deployment and instruction of door stewards, ensuring doors were kept closed at all times and detailed record keeping of the numbers inside and outside the premises and of any other issues arising;
- noise monitoring equipment had also been purchased and would be used regularly, both inside and outside the premises;
- Environmental Health officers had visited the premises and she understood they were content with the layout of the premises and the noise management plan as submitted; and
- the application complied with the Board's policy in terms of hybrid premises and late opening conditions.

In discussion, Members commented that:-

- it was important the applicants were mindful of the potential noise impacts and disturbance arising from their premises to local residents in Inverness city centre, and it was suggested the music at the premises did not have to be played at the maximum decibel level at all times; and
- there was a noise management plan and other measures in place which provided the Board with confidence the applicants would closely monitor noise levels and respond to any issues arising.

The Board **AGREED** to **GRANT** the major variations sought subject to mandatory conditions, late opening mandatory conditions, existing local conditions and the additional local condition and the special conditions as set out at 8.1, 8.2 and 8.3 respectively of the report.

9.2 Ref: HC/INBS/597

Applicant: Loch Ness Spirits Limited, Athbhinn, Dores, Inverness

Premises: Loch Ness Spirits Limited, Athbhinn, Dores, Inverness

Type: Off Sales

There had been circulated Report No HLB/109/17 by the Clerk which invited the Board to determine the application.

The Board **AGREED** to **GRANT** the major variations sought subject to mandatory conditions only.

9.3 Ref: HC/INBS/154

Applicant: Caledonian Heritable Ltd, 4 Hope Street, Edinburgh per Lorna Murry, Solicitor, 45 Culduthel Road, Inverness

Premises: The Dog House (formerly Thistle Whistle) 2-10 Queensgate, Inverness

Type: On and Off Sales

There had been circulated Report No HLB/110/17 by the Clerk which invited the Board to determine the application.

The Board **AGREED** to **GRANT** the major variations sought subject to mandatory conditions, existing local conditions and the additional local conditions and the special conditions as set out at 8.2 and 8.3 respectively of the report.

9.4 Ref: HC/INBS/89

Applicant: Diageo Scotland Limited, 5 Lochside Way, Edinburgh, per Morton Fraser, Solicitors, Quartermile Two, 2 Lister Square, Edinburgh, EH3 9GL

Premises: Dalwhinnie Distillery Visitor Centre and Shop, Dalwhinnie, Inverness-shire

Type: On and Off Sales

There had been circulated Report No HLB/111/17 by the Clerk which invited the Board to determine the application.

Mr D Hossack, on behalf of the applicant, explained that the application sought to commence on-sales from 0900hrs was to allow customers on early morning tours to sample products on the premises.

The Board **AGREED** to to **GRANT** the major variations sought subject to mandatory conditions, existing local conditions and the special condition as set out at 8.3 of the report.

9.5 Ref: HC/INBS/37

Applicant: Jupiter Hotels Limited, 54 Portland Place, London, W1B 1DY per Hill Brown Licensing, RWF House, 5 Renfield Street, Glasgow

Premises: Mercure Inverness Hotel, 33 Church Street, Inverness

Type: On and Off Sales

There had been circulated Report No HLB/112/17 by the Clerk which invited the Board to determine the application.

The Board **AGREED** to **GRANT** the major variations sought subject to mandatory conditions and the existing local conditions.

9.6 Ref: HC/CSER/0553

Applicant: Bervie Stores Ltd

Premises: Bervie Stores, The Harbour, Kinlochbervie

Type: Off Sales

There had been circulated Report No HLB/113/17 by the Clerk which invited the Board to determine the application.

The Board **AGREED** to **GRANT** the major variations sought subject to mandatory conditions only.

9.7 Ref: HC/RSL/0169

Applicant: Co-operative Group Food Limited, Dept 10227, 1 Angels Square, Manchester

Premises: Co-op, Woodpark, Dunvegan Road, Portree, Isle of Skye

Type: Off Sales

There had been circulated Report No HLB/114/17 by the Clerk which advised that a timeous notice of representation had been received from Police Scotland in response to the application. The Board was invited to determine the application.

The Licensing Standards Officer provided further clarification in relation to the off sales capacity being applied for in respect of the premises and confirmed he was content with the application on the basis that there was now a reduction in the true capacity of the off-sales display area.

Thereafter, it was confirmed Police Scotland had no further comments in relation to the application.

The Board **AGREED** to **GRANT** the major variation sought subject to mandatory conditions only.

9.8 Ref: HC/CSER/0831

Applicant: Skelbo Global Ventures Limited, per John Duhigg

Premises: Dornoch Stores, 12 Castle Street, Dornoch

Type: On and Off Sales

There had been circulated Report No HLB/115/17 by the Clerk which invited the Board to determine the application.

The Board **AGREED** to to **GRANT** the major variations sought subject to mandatory conditions and the special conditions as set out at 8.3 of the report.

9.9 Ref: HC/CSR/0595

Applicant: The Union Tavern Fortrose Limited

Premises: Union Tavern, 29 High Street, Fortrose

Type: On and Off Sales

There is circulated Report No HLB/116/17 by the Clerk which advised that a timeous notice of objection had been received from Bryan and Beverley Smith and notice of support from Maureen Naughton. The Board was invited to determine the application.

The Depute Clerk confirmed that the parties who had submitted representations were not present at the meeting. She advised that late representations had been received in response to the application and that Members should be satisfied that there were good reasons for accepting these late representations prior to taking them into account.

The Licensing Standards explained that following a recent press article on the application he had received two telephone calls and two late representations in

support of the application from parties who had previously received neighbour notifications.

The Board **AGREED** to consider the late representations on the basis that the reason for their late submission was the recent press article. Copies of the late representations, which expressed support for the application, were then circulated.

The Licensing Standards Officer provided an update to the application during which he confirmed that an acceptable noise management plan had now been submitted by the applicants.

The Board **AGREED** to **GRANT** the major variations sought subject to mandatory conditions, existing local conditions and the special conditions as set out at 7.3 of the report.

10. Licensing (Scotland) Act 2005 Section 74 - Application for personal licence
Achd Ceadachd (Alba) 2005 Earrann 74 – Iarrtas airson ceadachd phearsanta

10.1 Applicant: Jeanette Ondarroa

There had been circulated Report No HLB/117/17 by the Clerk which advised that notification dated 18 August 2017 had been received from Police Scotland that under Section 73 of the Licensing (Scotland) Act 2005 that the applicant, Jeanette Ondarroa had been convicted of a relevant offence.

It was confirmed that Police Scotland had no objection to the grant of the application.

The Board **AGREED** to **GRANT** the personal licence.

11. Surrender of premises licence
Gèilleadh ceadachd togalaich

11.1 Premises: The Park Guest House, 131 Grampian Road, Aviemore
Licence Holder: Erik Magnus Thomson

11.2 Premises: Brockies Lodge Hotel, Kiltarlilty, by Beaully
Licence Holder: Prep Catering Ltd, Brockies Lodge, Kiltarlilty

11.3 Premises: Seafield Lodge Hotel, Woodside Avenue, Grantown on Spey
Licence Holder: Trevor Lockwood

The Board **NOTED** the above premises licences have been surrendered in terms of Section 28(5)(f).

12. The Gambling Act 2005
Achd na Cearrachd 2005

12.1 Application for gaming machine permit for 4 machines
Ref: HC/CSR/LPGM/0300

Applicant: Parkdean Holiday Parks Limited

Premises: Grannies Heilan Hame Holiday Park, Embo, Dornoch

There had been circulated Report No HLB/118/17 by the Clerk which advised that an application had been received to increase the number of Category C machines at the premises to four.

The Board **AGREED** to **GRANT** the gaming machine permit.

The meeting ended at 1.40pm.
