

**THE HIGHLAND LICENSING BOARD**

Minute of the meeting of the Highland Licensing Board held in the Council Chamber, Council Headquarters, Glenurquhart Road, Inverness, Tuesday 5 December 2017 at 1.00pm.

**Present:**

Dr I Cockburn, Mr J Bruce, Mr G Cruickshank, Mr A Jarvie, Ms E Knox, Mrs L Macdonald, Mr D Macpherson, Mrs P Munro, Mr K Rosie and Mr C Smith

**In Attendance:**

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

**Also In Attendance:**

Sergeant B Gray, Police Scotland  
PC J Williamson, Police Scotland

Item 9.1: Mrs L Murray, solicitor for the applicant

Item 9.2: Mrs L Murray, solicitor for the applicant

Item 10.2: Mr M Macpherson, applicant

Item 10.3: Ms C Loudon, solicitor for the applicant and Ms K Franks, premises manager

Item 10.7: Mrs L Murray, solicitor for the applicant

**Briefing on Protocol for Webcasting of Meetings.**

The Convener 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**

There were no apologies for absence.

**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 1 November 2017.

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

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

There had been circulated Report No HLB/128/17 detailing licences which had been granted under delegated powers by the Clerk to the Board during the period 20 October 2017 to 22 November 2017 and inviting the Board to note the report.

The Board **NOTED** the report.

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

There had been circulated Report No HLB/129/17 detailing occasional licences and extended hours applications which had been granted under delegated powers by the Clerk to the Board during the period 20 October 2017 to 22 November 2017 and inviting the Board to note the report.

The Board **NOTED** the report.

**6. Response to Scottish Government draft guidance for completion of  
disabled access and facilities statements  
Freagairt do dhreachd stiùireadh Riaghaltas na h-Alba airson aithrisean  
intriagadh is ghoireasan chiorramach a chrìochnachadh**

There had been circulated Report No HLB/130/17 inviting the Board to note the invitation from the Scottish Government Justice Directorate to comment on the draft guidance they have prepared for applicants completing the disabled access and facilities statements which are to be included with premises licence applications once the amendments to section 20(2)(b) of the Licensing (Scotland) Act 2005 made by section 179 of the Criminal Justice and Licensing (Scotland) Act 2010 come into effect.

The Board was further invited to approve the draft comments on the draft guidance and amendment regulations appended to the Report as the Board's response to the Scottish Government Justice Directorate, subject to any amendments to these comments which the Board wished to make.

During discussion, Members raised the following issues:-

- concern was expressed at the lack of a full public consultation on the guidance and the fact the Scottish Government Justice Directorate Licensing Team had advised in their covering email this was because the issue was of 'fairly limited interest';
- it was not clear which equality and disability groups had been consulted, and it was disappointing that the Access Panels and other relevant

organisations in the Highlands had not had the opportunity to comment on the document;

- it was also disappointing that the legislation applied only to new premises licence applications and did not extend to existing premises or variation applications; and
- it was suggested there were economic benefits associated with improving disabled access and facilities on the basis this would encourage more disabled customers into licensed premises.

Thereafter, Members expressed the view that applicants should be compelled to confirm whether any disabled access arrangements or facilities at the premises complied with the disability access and facilities standards as set out in the relevant building standards regulations. It was requested that this be added as a recommendation to the comments provided in Appendix 2.

The Board **APPROVED** the draft comments set out at Appendix 2 for submission to the Scottish Government Justice Directorate, subject to the following amendments:

- in relation to the comments provided on Q2, a recommendation should be added that the applicant be required also to confirm whether any disabled access arrangements or facilities at the premises comply with the disability access and facilities standards as set out in Building Standards Regulations for non-domestic premises.

**7. Response to UK Government consultation on proposals for changes to gaming machines and social responsibility measures**  
**Freagairt do cho-chomhairle Riaghaltas na RA mu mholaidhean airson atharrachaidhean do dh'innealan geamaireachd agus tomhasan dleastanais shòisealta**

There had been circulated Report No HLB/131/17 inviting the Board to approve the draft consultation response as set out at Appendix B in relation to the UK Government's proposals for changes to gaming machines and social responsibility measures and to raise any other relevant issues, supported by evidence, which should be included as part of this consultation and which have not already been covered.

In discussion, Members expressed concern at the Board's lack of powers to control gambling and gaming machines in the area. It was suggested the focus should be on the introduction of measures to tackle the issues around gambling, particularly given that it tended to be vulnerable people and those in poverty who were being exploited. In this regard, it was suggested that in addition to reducing maximum stake for machines there was also a need to reduce the maximum prizes. Specifically, it was suggested that a maximum stake of £25 be set for B2 machines, and the maximum prize be reduced from £500 to £250 for B2, B3 and B3A machines and from £400 to £200 for B4 machines.

The Board **APPROVED** the draft consultation response as set out at Appendix B in relation to the UK Government's proposals for changes to gaming machines and social responsibility measures, subject to the following additional comments:

- in relation to Q1, amend the response to recommend a maximum stake of £25 for B2 machines
- at Q16, include a recommendation that the maximum prize for B2, B3 and B3A machines is reduced from £500 to £250 and that for B4 machines the maximum prize is reduced from £400 to £200.

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

**8.1 Ref: HC/CSR/1839**

**Applicant:** Captain Jonathan R Stoneley

**Premises:** Charleston House, Flowerdale Bay, Gairloch

**Type:** On Sales

There had been circulated Report No HLB/132/17 by the Clerk which invited the Board to determine the application.

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

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

**9.1 Ref: HC/INBS/616**

**Applicant:** Marie Goodman, Brockies Bar, Kiltarlity, by Beauly, IV4 7HW per Lorna Murray, 45 Culduthel Road, Inverness, IV2 4HQ

**Premises:** Brockies Bar, Kiltarlity, by Beauly, IV4 7HW

**Type:** On Sales

There had been circulated Report No HLB/133/17 by the Clerk which invited the Board to determine the application.

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

**9.2 Ref: HC/RSL/1845**

**Applicant:** Malthurst Petroleum Limited per Harper MacLeod, The Ca'd'oro, 45 Gordon Street, Glasgow, G1 3PE

**Premises:** Ben Filling Station, North Road, Fort William

**Type:** Off-Sales

There had been circulated Report No HLB/134/17 by the Clerk which invited the Board to determine the application.

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

**10. Licensing (Scotland) Act 2005**  
**Applications for variation (major) to premises licences**  
**Achd Ceadachd (Alba) 2005**  
**Iarrtasan airson Caochladh (Mòr) a thaobh ceadachdan thogalaichean**

**10.1 Ref: HC/INBS/430**

**Applicant:** Inverness Golf Club, Culcabock Road, Inverness, IV2 3XQ

**Premises:** Inverness Golf Club, Culcabock Road, Inverness, IV2 3XQ

**Type:** On and Off Sales

There had been circulated Report No HLB/135/17 by the Clerk which invited the Board to determine the application.

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

**10.2 Ref: HC/INBS/601**

**Applicant:** The Malt Room Bars Ltd

**Premises:** The Malt Room, 34 Church Street, Inverness, IV1 1EH

**Type:** On Sales

There had been circulated Report No HLB/136/17 by the Clerk which invited the Board to determine the application.

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

**10.3 Ref: HC/INBS/254**

**Applicant:** Punch Partnership Limited, Jubilee House, Second Avenue, Burton on Trent, DE14 2WF per TLT LLP, 140 West George Street, Glasgow, G2 2HG

**Premises:** Gellions, Bridge Street, Inverness, IV1 1HD

**Type:** On and Off Sales

There had been circulated Report No HLB/137/17 by the Clerk which invited the Board to determine the application.

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

**10.4 Ref: HC/INBS/277**

**Applicant:** The Benleva Hotel Limited, Kilmore Road, Drumnadrochit, Inverness-shire, IV63 6UH per Keith Falconer, MacPhee & Partners, Airds House, An Aird, Fort William, PH33 6BL

**Premises:** Benleva Hotel, Kilmore Road, Drumnadrochit, IV63 6UH

**Type:** On and Off Sales

There had been circulated Report No HLB/138/17 by the Clerk which invited the Board to determine the application.

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

**10.5 Ref: HC/INBS/608**

**Applicant:** Glenfold Limited, Unit 3, 15 Lotland Street, Inverness, IV1 1ST

**Premises:** UrPal Tours, 55 Church Street, Inverness, IV1 1DR

**Type:** Off Sales

There had been circulated Report No HLB/139/17 by the Clerk which invited the Board to determine the application.

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

**10.6 Ref: HC/RSL/1381**

**Applicant:** Kentallen Leisure Limited, Hollytree Hotel, Kentallen, PA38 4BY

**Premises:** Hollytree Hotel, Kentallen, Duror, Argyll, PA38 4BY

**Type:** On and Off Sales

There had been circulated Report No HLB/140/17 by the Clerk which invited the Board to determine the application.

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

**10.7 Ref: HC/CSR/0400**

**Applicant:** Lidl UK GmbH

**Premises:** Lidl UK GmbH, Morangie Road, Tain

**Type:** Off Sales

There had been circulated Report No HLB/141/17 by the Clerk which invited the Board to determine the application.

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

**11. Surrender of premises licence  
Gèilleadh ceadachd togalaich**

**11.1 Premises:** Craigerne House Hotel, Golf Course Road, Newtonmore,  
**Licence Holder:** Douglas Alan Jefferies

**11.2 Premises:** Tighard Guest House, Isle of Canna, PH44 4RS  
**Licence Holder:** David Marr

**11.3 Premises:** Caithness Balti House, 134 High Street, Wick  
**Licence Holder:** Abarok Ali

**11.4 Premises:** Dundonnell Stores, Durnamuck, Dundonnell  
**Licence Holder:** Patricia M Ellis-Reidie

**11.5 Premises:** Invergordon Service Station, 130 High Street,  
Invergordon

**Licence Holder: Bannerman Company Limited**

**11.6 Premises: Keiss Corner Shop**

**Licence Holder: Keiss Corner Shop**

**11.7 Premises: The Glenview, Culnacnoc, Staffin, Isle of Skye, IV51 9JH**

**Licence Holder: K J Faulds, S J Wallwork, Eric C Faulds and Ann M Faulds t/a The Glenview**

The Board **NOTED** the above premises licences had been surrendered in terms of Section 28(5)(f) of the Licensing (Scotland) Act 2005.

The meeting ended at 1.32pm.

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