

## The Highland Licensing Board

Meeting – 12 January 2018

Agenda Item	6
Report No	HLB/003/18

### The Licensing (Scotland) Act 2005, Section 37

#### Premises licence review proposals – Non-payment of annual premises licence fee 2017/18

#### 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 2017 to 30 September 2018.

### 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 2017 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 or 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 review proposals 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 2017

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Background Papers: The Licensing (Scotland) Act 2005

Appendix 1: Details of premises for which annual fee remains outstanding

## Appendix 1

<b>Reference</b>	<b>Premises</b>	<b>Licence holder</b>	<b>Ground of review</b>
HC/INBS/076	Dragon Pearl Restaurant, Nairn	Tan Brothers Ltd	Non payment of annual fee
HC/INBS/108	Victoria Hotel, Nairn	Hawthorn Leisure Ltd	Non payment of annual fee
HC/INBS/576	The Deli, High Street, Kingussie	The Deli at Kingussie	Non payment of annual fee
HC/CSER/0533	Altnacealgach Inn, by Lairg	Robert & Fiona Sherman	Non payment of annual fee
HC/RSL/1031	Balloan House, Marybank	Heather Sutherland	Non payment of annual fee
HC/CSER/0521	Drumbeg House t/a Blar na Leisg, Drumbeg	David & Anne Strachan	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/CSER/1337	Jaipur Restaurant, High Street, Invergordon	Mohammed Mutalib	Non payment of annual fee
HC/RSL/0960	Picture House, High Street, Dingwall	Julie A Sweeney	Non payment of annual fee
HC/CSER/1633	Retro, 6 Bridge Street, Wick	Yvonne Fitzgerald	Non payment of annual fee
HC/CSER/1642	Taj Mahal, Bridge Street, Halkirk	Aileen Miah	Non payment of annual fee
HC/RSL/0594	The Anderson, Union Street, Fortrose	The Peterson Group	Non payment of annual fee
HC/RSL/1709	Ben View Hotel, Strontian	Graham J McMenemy	Non payment of annual fee
HC/RSL/0158	MacKinnon Country House Hotel, Kyleakin	Navidale Estates Ltd	Non payment of annual fee