

The Highland Licensing Board

Meeting – 18 January 2019

Agenda Item	7
Report No	HLB/004/19

The Licensing (Scotland) Act 2005, Section 37

Premises licence review proposals – Non-payment of annual premises licence fee 2018/19

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 2018 to 30 September 2019.

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 2018 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/ Chief Executive's Office.

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: 8 January 2019

Author: Susan Blease

Background Papers: The Licensing (Scotland) Act 2005

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

Appendix 1

Reference	Premises	Licence holder	Ground of review
HC/RSL/208	Stables Restaurant	Andrew Turnbull	Non payment of annual fee
HC/CSR/1045	Charlie Chan's Chinese Restaurant and Takeaway, 2 Sinclair Street, Thurso	Ho Won Ltd	Non payment of annual fee
HC/CSR/0521	Drumbeg House t/a Blar na Leisg, Drumbeg	David and Anne Strachan	Non payment of annual fee
HC/CSR/0363	Glenmorangie House, Cadboll, Fearn	Macdonald and Muir Limited	Non payment of annual fee
HC/CSR/1633	Retro, 6 Bridge Street, Wick	Yvonne Fitzgerald	Non payment of annual fee
HC/CSR/1642	Taj Mahal, Bridge Street, Wick	Aileen Miah	Non payment of annual fee
HC/CSR/1250	Brunstane Lodge Hotel, Golf Course Road, Strathpeffer	Brunstane Investments Limited	Non payment of annual fee
HC/CSR/1447	Highland Groceries, Great North Road, Muir of Ord	Mohammed I Chaudhry	Non payment of annual fee
HC/CSR/0596	Spiral Café and Bistro, Strath, Gairloch	Kieran Hennessey	Non payment of annual fee
HC/CSR/0299	The Riverside Tavern, High Street, Conon Bridge	George Nixon	Non payment of annual fee
HC/INBS/335	Bay Leaf Spice 45 High Street Grantown on Spey PH26 3EG	Hasna Khanom	Non payment of annual fee
HC/INBS/554	SoBar 55-67 Castle Street Inverness IV2 3DU	Ali Raza Mohammed	Non payment of annual fee

HC/INBS/556	Monarch Hotel and Church Ruin Laggan Bridge Nr. Newtonmore PH20 1BT	Whitmann Enterprises Limited	Non payment of annual fee
HC/INBS/394	Highland Crossroads Gollanfield Ardersier IV2 7QT	Angela Tasasiz	Non payment of annual fee
HC/INBS/504	Pol-Ness 114 Academy Street Inverness IV1 1LX	Dascan Mohammed	Non payment of annual fee