

The Highland Licensing Board

Meeting – 22 June 2021

Agenda Item	7
Report No	HLB/046/21

The Licensing (Scotland) Act 2005

Premises licence review hearings – non-payment of annual premises licence fees

Report by the Clerk to the Licensing Board

Summary

The Board made premises licence review proposals on 11 May 2021 in respect of those premises for which the annual premises licence fee for the year 2020/21 remained unpaid in breach of the mandatory condition of licence. The Board must hold review hearings to consider and determine their review proposals in respect of the following premises for which annual licence fees remain unpaid.

	Ref	Premises	Licence holder
1	HC/RSL/0312	Café Rhu Restaurant, Arisaig	Euan Baillie
2	HC/INBS/123	Jimmy Chungs, 27 Bank Street, Inverness	CLKF Inverness Ltd
3	HC/INBS/084	Loch Ness Lodge Hotel, Drumnadrochit	Loch Ness Lodge Hotel
4	HC/INBS/351	The Whisky Shop – Loch Ness Exhibition Centre	The Whisky Shop Drumnadrochit
5	HC/INBS/303	Nessieland, Drumnadrochit	Loch Ness Lodge Hotel Ltd

1. In terms of the Licensing (Scotland) Act 2005 an annual fee is payable for each premises licence. The fee becomes due on 1 October in each year.
2. The fees in respect of the licences for each of the premises listed above were due on 1 October 2021.
3. The Board has complied with its legal obligation to send a reminder no later than 30 days before the date on which the fees were due.
4. The licence holders listed above have accordingly received these reminders and have been advised of the possible consequences of failure to pay.
5. Payment of the annual fee is a mandatory condition of holding a licence and the Act clearly specifies that the fee must be paid as required.

The annual fees represent approximately 66% of the income required by the Board to meet the expenses incurred by the Board in administering the Act.

6. The premises licence holders listed above and the Licensing Standards Officer for the area in which each premises concerned are situated have been given notice of the review proposals and of the review hearings.
7. The Licensing Standards Officers' Reports on the review proposals are attached at Appendix 1 and the Board must take the relevant report into account at each review hearing.
8. In terms of Section 39 of the Act, if at a review hearing the Board is satisfied that the ground for review is established, the Board may take such of the following steps as the Board considers necessary or appropriate for the purposes of any of the licensing objectives:-
 1. Issue a written warning
 2. Make a variation of the licence
 3. Suspend the licence for such period as the Board may determine
 4. Revoke the licence

7. Recommendation:

The Board is invited to hear the above licence holders and then to consider and determine the premises licence review proposal for each of the premises detailed above.

Author: Clerk to the Licensing Board

Date: 2 June 2021

Appendices: Licensing Standards Officer's Reports

Report by the Licensing Standards Officer

Review Hearing in terms of the Licensing (Scotland) Act 2005, Section 38(1)

Premises: Café Rhu Restaurant, Arisaig, PH39 4NH

1.0 Licensing History:

- 1.1 Euan Baillie is the holder of the premises licence HC/RSL/0312 for the premises known as Café Rhu Restaurant. The premises are described as a small licensed restaurant cafe situated in the village of Arisaig.
- 1.2 The premises licence is subject to Mandatory Conditions in accordance with Schedule 3 of the Licensing (Scotland) Act, 2005.
- 1.3 To date, the annual fee of £192 due on 1 October 2021 has not been paid.

2.0 Legislation:

- 2.1 In terms of the Mandatory Conditions in accordance with Schedule 3 of the Licensing (Scotland) Act, 2005 introduced by Section 27(1), an annual fee must be paid by virtue of the regulations under section 136(1).
- 2.2 On 11 May 2021, I received notice in terms of section 38(b)(ii) of the Licensing (Scotland) Act 2005 of the Highland Licensing Board's intention to hold a review hearing in respect of the above premises following the Premises Licence Holder's failure to pay the prescribed annual fee in breach of Mandatory Condition 10.
- 2.3 This Report is submitted in terms of section 38(4) (a) of the Licensing (Scotland) Act, 2005.

3 Background Information:

- 3.1 I can confirm that the Licensing Board's correspondence dated 2 June 2021 informing the Premises Licence Holder of the proposed review hearing was sent by First Class post and Recorded Delivery.
- 3.2 Several attempts by licensing administrative staff have been made to contact the Premises Licence Holder without success.

Designation: Licensing Standards Officer

Reference: HC/RSL/0312

Date: 2 June 2021

Author: Ian Cox/Julie Traynor

Background Papers: The Licensing (Scotland) Act 2005

Report by the Licensing Standards Officer

Review Hearing in terms of the Licensing (Scotland) Act 2005, Section 38(1)

Premises: Jimmy Chungs, 27 Bank Street, Inverness

1.0 Licensing History:

- 1.1 CLKF Inverness Ltd is the holder of the premises licence HC/INBS/123 for the premises known as Jimmy Chungs. The premises are described as a first floor restaurant accommodated within a mixed commercial and residential building in a central location in the city of Inverness, overlooking the River Ness.
- 1.2 The premises licence is subject to Mandatory Conditions in accordance with Schedule 3 of the Licensing (Scotland) Act, 2005.
- 1.3 To date, the annual fee of £613 due on 1 October 2021 has not been paid.

2.0 Legislation:

- 2.1 In terms of the Mandatory Conditions in accordance with Schedule 3 of the Licensing (Scotland) Act, 2005 introduced by Section 27(1), an annual fee must be paid by virtue of the regulations under section 136(1).
- 2.2 On 11 May 2021, I received notice in terms of section 38(b)(ii) of the Licensing (Scotland) Act 2005 of the Highland Licensing Board's intention to hold a review hearing in respect of the above premises following the Premises Licence Holder's failure to pay the prescribed annual fee in breach of Mandatory Condition 10.
- 2.3 This Report is submitted in terms of section 38(4) (a) of the Licensing (Scotland) Act, 2005.

3 Background Information:

- 3.1 I can confirm that the Licensing Board's correspondence dated 2 June 2021 informing the Premises Licence Holder of the proposed review hearing was sent by First Class post and Recorded Delivery.
- 3.2 Several attempts by licensing administrative staff have been made to contact the Premises Licence Holder without success.

Designation: Licensing Standards Officer

Reference: HC/INBS/123

Date: 2 June 2021

Author: Ian Cox/Julie Traynor

Background Papers: The Licensing (Scotland) Act 2005

Report by the Licensing Standards Officer

Review Hearing in terms of the Licensing (Scotland) Act 2005, Section 38(1)

Premises: Loch Ness Lodge Hotel, Drumnadrochit, IV63 6RU

1.0 Licensing History:

- 1.1 Donald Skinner is the holder of the premises licence HC/INBS/084 for the premises known as Loch Ness Lodge Hotel. The premises are described as a privately owned business in a small rural village (Drumnadrochit) 14 miles from Inverness.
- 1.2 The premises licence is subject to Mandatory Conditions in accordance with Schedule 3 of the Licensing (Scotland) Act, 2005.
- 1.3 To date, the annual fee of £245 due on 1 October 2021 has not been paid.

2.0 Legislation:

- 2.1 In terms of the Mandatory Conditions in accordance with Schedule 3 of the Licensing (Scotland) Act, 2005 introduced by Section 27(1), an annual fee must be paid by virtue of the regulations under section 136(1).
- 2.2 On 11 May 2021, I received notice in terms of section 38(b)(ii) of the Licensing (Scotland) Act 2005 of the Highland Licensing Board's intention to hold a review hearing in respect of the above premises following the Premises Licence Holder's failure to pay the prescribed annual fee in breach of Mandatory Condition 10.
- 2.3 This Report is submitted in terms of section 38(4) (a) of the Licensing (Scotland) Act, 2005.

3 Background Information:

- 3.1 I can confirm that the Licensing Board's correspondence dated 2 June 2021 informing the Premises Licence Holder of the proposed review hearing was sent by First Class post and Recorded Delivery.
- 3.2 Several attempts by licensing administrative staff have been made to contact the Premises Licence Holder without success.
- 3.3 The Licensing Board were in receipt of a letter dated 17 May 2021 from the Agents acting for the Licence Holder indicating their stance that no fee was due on account of the Hotel being required to close due to the Covid regulations.

The Clerk will give a verbal update on the matter.

Designation: Licensing Standards Officer

Reference: HC/INBS/084

Date: 2 June 2021

Author: Ian Cox/Julie Traynor

Background Papers: The Licensing (Scotland) Act 2005

Report by the Licensing Standards Officer

Review Hearing in terms of the Licensing (Scotland) Act 2005, Section 38(1)

Premises: The Whisky Shop – Loch Ness Exhibition Centre, Drumnadrochit

1.0 Licensing History:

- 1.1 Loch Ness Monster Exhibition Centre Ltd is the holder of the premises licence HC/INBS/351 for the premises known as The Whisky Shop – Loch Ness Exhibition Centre. The premises are described as an off-sales outlet, part of the shopping facilities at the Loch Ness Exhibition Centre.
- 1.2 The premises licence is subject to Mandatory Conditions in accordance with Schedule 3 of the Licensing (Scotland) Act, 2005.
- 1.3 To date, the annual fee of £613 due on 1 October 2021 has not been paid.

2.0 Legislation:

- 2.1 In terms of the Mandatory Conditions in accordance with Schedule 3 of the Licensing (Scotland) Act, 2005 introduced by Section 27(1), an annual fee must be paid by virtue of the regulations under section 136(1).
- 2.2 On 11 May 2021, I received notice in terms of section 38(b)(ii) of the Licensing (Scotland) Act 2005 of the Highland Licensing Board's intention to hold a review hearing in respect of the above premises following the Premises Licence Holder's failure to pay the prescribed annual fee in breach of Mandatory Condition 10.
- 2.3 This Report is submitted in terms of section 38(4) (a) of the Licensing (Scotland) Act, 2005.

3 Background Information:

- 3.1 I can confirm that the Licensing Board's correspondence dated 2 June 2021 informing the Premises Licence Holder of the proposed review hearing was sent by First Class post and Recorded Delivery.
- 3.2 Several attempts by licensing administrative staff have been made to contact the Premises Licence Holder without success.

Designation: Licensing Standards Officer

Reference: HC/INBS/351

Date: 2 June 2021

Author: Ian Cox/Julie Traynor

Background Papers: The Licensing (Scotland) Act 2005

Report by the Licensing Standards Officer

Review Hearing in terms of the Licensing (Scotland) Act 2005, Section 38(1)

Premises: Nessieland, Drumnadrochit, IV63 6TU

1.0 Licensing History:

1.1 Loch Ness Lodge Hotel Co Ltd is the holder of the premises licence HC/INBS/303 for the premises known as Nessieland, Drumnadrochit. The premises are described as a Visitor Centre, housing an exhibition & cinema presentation about the Loch Ness Monster. There is an extensive gift shop selling soft toys, woollens, jewellery etc and an off-sales area offering whisky miniatures, local beers, etc. On Sales are offered within the Coffee Shop area of the premises.

1.2 The premises licence is subject to Mandatory Conditions in accordance with Schedule 3 of the Licensing (Scotland) Act, 2005.

1.3 To date, the annual fee of £245 due on 1 October 2021 has not been paid.

2.0 Legislation:

2.1 In terms of the Mandatory Conditions in accordance with Schedule 3 of the Licensing (Scotland) Act, 2005 introduced by Section 27(1), an annual fee must be paid by virtue of the regulations under section 136(1).

2.2 On 11 May 2021, I received notice in terms of section 38(b)(ii) of the Licensing (Scotland) Act 2005 of the Highland Licensing Board's intention to hold a review hearing in respect of the above premises following the Premises Licence Holder's failure to pay the prescribed annual fee in breach of Mandatory Condition 10.

2.3 This Report is submitted in terms of section 38(4) (a) of the Licensing (Scotland) Act, 2005.

3 Background Information:

3.1 I can confirm that the Licensing Board's correspondence dated 2 June 2021 informing the Premises Licence Holder of the proposed review hearing was sent by First Class post and Recorded Delivery.

3.2 Several attempts by licensing administrative staff have been made to contact the Premises Licence Holder without success.

Designation: Licensing Standards Officer

Reference: HC/INBS/303

Date: 2 June 2021

Author: Ian Cox/Julie Traynor

Background Papers: The Licensing (Scotland) Act 2005