

## **HIGHLAND LICENSING BOARD**

During the coronavirus period, the Licensing (Scotland) Act 2005 has been temporarily amended to allow Board meetings to take place remotely.

Minute of the meeting of the Highland Licensing Board held remotely on Tuesday 11 May 2021 at 2.30pm.

### **Present:**

Mr J Bruce, Mr A Jarvie, Ms E Knox, Mrs L Macdonald (Convener), Mr D Macpherson, Mr A Sinclair and Mr C Smith.

### **In Attendance:**

Mr I Meredith, Clerk to the Board  
Ms R Banfro, Solicitor – Regulatory Services  
Mr G Cameron, Licensing Standards Officer  
Mr I Cox, Licensing Standards Officer  
Mrs A MacArthur, Administrative Assistant  
Ms A Macrae, Committee Administrator

### **Also In Attendance:**

Sergeant K Duncan, Police Scotland  
Mr M MacDonald, Police Scotland

Item 7.3: Kathryn Christie (applicant)  
Item 8.3: Robbie Mackay (applicant)  
Item 8.4: Clare Colrain (applicant)  
Item 8.5: Michael McDougall (agent)  
Item 8.6: Keith Falconer (agent)  
Item 9.1: Graham McMenemy (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 30 March 2021.

The Minutes were 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/026/21** detailing licences which had been granted under delegated powers by the Clerk to the Board during the period 18 March 2021 to 28 April 2021.

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/027/21** detailing occasional licences and extended hours applications which had been granted under delegated powers by the Clerk to the Board during the period 18 March 2021 to 28 April 2021.

The Board **NOTED** the report.

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

**6.1 Ref: HC/RSL/1966**

**Applicant:** Niall Munro

**Premises:** Birch, Bayfield Road, Portree, Isle of Skye, IV51 9EL

**Type:** On sales

There had been circulated **Report No HLB/028/21** by the Clerk which advised that timeous notices of objection had been received from Jihong Yun. The Board was invited the Board to determine the application.

In relation to the objections received, the Licensing Standards Officer advised that “overprovision” in terms of the number of licensed premises within a geographical area was not recognised within the Board’s Policy and the suggested likelihood of disorder and violence was not based on any fact or evidence

The Board **AGREED** to **GRANT** the application for a premises licence subject to the mandatory conditions.

## **6.2 Ref: HC/RSL/1970**

**Applicant:** Alistair Ness

**Premises:** Rain Bakery, 41 High Street, Fort William, PH33 6DH

**Type:** On and Off-sales

There had been circulated **Report No HLB/029/21** by the Clerk which invited the Board to determine the application.

The Board **AGREED** to **GRANT** the application for a premises licence subject to the mandatory conditions.

## **7. Licensing (Scotland) Act 2005**

**Applications for provisional premises licences**

**Achd Ceadachd (Alba) 2005**

**Iarrtas airson ceadachdan thogalaichean le cumha**

### **7.1 Ref: HC/CSR/1969**

**Applicant:** The Partnership of Rachael Hawkins and Samuel Hawkins

**Premises:** Delilah's, Main Street, Lochinver, IV27 4JX

**Type:** On and off sales

There had been circulated **Report No HLB/030/21** by the Clerk which invited the Board to determine the application.

The Board **AGREED** to **GRANT** the application for provisional premises licence subject to the mandatory conditions, and additional local conditions (m) and (n)(i).

### **7.2 Ref: HC/RSL/1971**

**Applicant:** Black Sheep Management Services Ltd, per Twindeer Law, Lochaber Rural Complex, Torlundy, Fort William, PH33 6SQ

**Premises:** 37 High Street, Fort William

**Type:** On and off sales

There had been circulated **Report No HLB/031/21** by the Clerk which invited the Board to determine the application.

The Clerk provided a verbal update to the report, confirmation having been received the site notice had been displayed and that the Scottish Fire and Rescue Service had no objections to the grant of the application.

The Board **AGREED** to **GRANT** the application for a provisional premises licence subject to the mandatory conditions, and additional local conditions (a), (b), (c), and (k), as well as the following special conditions:

- On any occasion that the premises are permitted to be open after 0100hrs, a member of staff who is the holder of a Scottish Personal Licence shall be present on the premises; and
- On any occasion that the premises are permitted to be open after 0100hrs, a member of staff who is the holder of a current First Aid certificate shall be present on the premises.

### **7.3 Ref: HC/CSR/1961**

**Applicant:** Kathryn Christie

**Premises:** Dalmore Farm Shop and Restaurant, Dalmore Farm, Alness

**Type:** On and Off Sales

There had been circulated **Report No HLB/032/21** by the Clerk which invited the Board to determine the application.

The Board **AGREED** to **GRANT** the application for provisional premises licence subject to the mandatory conditions

## **8. Licensing (Scotland) Act 2005**

**Applications for variation (major) to premises licences**

**Achd Ceadachd (Alba) 2005**

**Iarrtasan airson Caochladh (Mòr) a thaobh ceadachdan thogalaichean**

### **8.1 Ref: HC/INBS/615**

**Applicant:** Kinrara Distillery Limited, Lochindorb Lodge, Lochindorb, Grantown-on-Spey, PH26 3PY

**Premises:** Kinrara Distillery, Lynwilg Farm Steading, Lynwilg, Aviemore, PH22 1PZ

**Type:** off sales

There had been circulated **Report No HLB/033/21** by the Clerk which invited the Board to determine the application.

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

### **8.2 Ref: HC/INBS/627**

**Applicant:** Killiehuntly Farmhouse, Glenfeshie Limited

**Premises:** Killiehuntly Farmhouse, by Kingussie, PH21 1NZ

**Type:** on sales

There had been circulated **Report No HLB/034/21** by the Clerk which invited the Board to determine the application.

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

### **8.3 Ref: HC/CSR/0369**

**Applicant:** Richard Mackay and Son (Durness) Limited, Durine, Durness, IV27 4PN

**Premises:** Richard Mackay and Son (Durness) Limited, Durine Durness, IV27 4PN

**Type:** Off sales

There had been circulated **Report No HLB/035/21** by the Clerk which invited the Board to determine the application.

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

**8.4 Ref: HC/RSL/1156**

**Applicant:** Red Jura Limited, 32 Saskatoon Place, East Kilbride, G75 8LP

**Premises:** Creag Mhor Lodge, North Ballachulish, PH33 6RY

**Type:** On-sales

There had been circulated **Report No HLB/036/21** by the Clerk which invited the Board to determine the application.

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

**8.5 Ref: HC/RSL/1395**

**Applicant:** Hawthorn Leisure Scotco Limited per TLT LLP (Glasgow), 140 West George Street, Glasgow, G2 2HG

**Premises:** Maryburgh Inn, 36 High Street, Fort William, PH33 6AT

**Type:** On and off-sales

There had been circulated **Report No HLB/037/21** by the Clerk which advised that a timeous notice of representation had been received from Environmental Health. The Board was invited to determine the application.

The Clerk provided a verbal update to the report, confirmation having been received from Building Standards and Environmental Health that they had no objections to the grant of the application.

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

**8.6 Ref: HC/RSL/0432**

**Applicant:** Ben Nevis Bar Trading Company Limited per MacPhee and Partners, Airds House, An Aird, Fort William, PH33 6BL

**Premises:** Ben Nevis Bar, 103 High Street, Fort William, PH33 6DG

**Type:** On and off-sales

There had been circulated **Report No HLB/038/21** by the Clerk which invited the Board to determine the application.

The Clerk provided a verbal update to the report, confirmation having been received the site notice had been displayed and that Environmental Health had had no objections to the grant of the application.

The Board **AGREED** to **GRANT** the application for a major variation subject to the mandatory conditions, existing local conditions, and additional conditions:

- External balcony area: The provision of alcoholic and non-alcoholic beverages in this outside area of the premises shall cease at 2200hrs;

- High Street external drinking area: The provision of alcoholic and non-alcoholic beverages in this outside area of the premises shall cease at 2200hrs; and
- No live or recorded music shall be played in any outdoor drinking area.

#### **8.7 Ref: HC/RSL/1944**

**Applicant:** West Highland Breweries Ltd, t/a Glen Spean Brewing Co, Tirindrish Steading, Spean Bridge, PH34 4EU

**Premises:** Glen Spean Brewing Co, Tirindrish Steading, Spean Bridge, PH34 4EU

**Type:** Off-sales

There had been circulated **Report No HLB/039/21** by the Clerk which invited the Board to determine the application.

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

#### **8.8 Ref: HC/CSR/1430**

**Applicant:** Fortrose and Rosemarkie Golf Club

**Premises:** Fortrose and Rosemarkie Golf Club, Ness Road East, Fortrose

**Type:** On and Off-sales

There had been circulated **Report No HLB/040/21** by the Clerk which invited the Board to determine the application.

The Board **AGREED** to **GRANT** the application for a major variation subject to the mandatory conditions and local condition (m).

### **9. Application for personal licence Iarrtas airson ceadachd phearsanta**

#### **9.1 Applicant:** Graham McMenemy

There had been circulated **Report No HLB/041/21** by the Clerk which advised that a timeous objection to the application had been received from Police Scotland. The Board was invited to determine this matter in accordance with the Council's Hearings Procedure.

Mr G McMenemy, applicant, was present for this item.

[text removed from web version in compliance with Data Protection Act 1998].

Mr G McMenemy, applicant, then spoke in support of his application during which he asked the Board to grant the application to provide him with an opportunity to prove he was a fit and proper person to hold a personal licence. He wished to reopen his premises to provide a service to the community for which there was demand, and provide employment both for himself and young people seeking work.

The Clerk advised that the Board should consider only whether the applicant was a fit and proper person to hold a personal licence. If the Board considered then applicant was not a fit and proper person, then it should not grant a personal licence to provide the applicant with an opportunity to prove otherwise.

In response to questions from Members, Mr McMenemy outlined the actions he had taken to address his [text removed from web version in compliance with Data Protection Act 1998] issues and indicated he was confident there would be no issues arising with his conduct going forward if he was granted a personal licence.

Following discussion, the Board **AGREED** to **REFUSE** the application for a personal licence on the grounds that, having regard to preventing crime and disorder and securing public safety, the applicant is not a fit and proper person. [text removed from web version in compliance with Data Protection Act 1998].

## **10. Surrender of premises licence Gèilleadh ceadachd togalaich**

**10.1 Premises:** Druie Café Restaurant, Rothiemurchus Centre, Inverdrue, PH22 1QH

**Licence Holder:** John Grant t/a Rothiemurchus Estate, The Dell, Inverdrue, PH22 1QH

**10.2 Premises:** Aviemore News, Unit 1, Myrtlefield Centre, Grampian Road, Aviemore, PH22 1RH (ceasing to have effect)

**Licence Holder:** Partnership of Ernest Kopp and Debra Kopp, 164 Grampian Road, Aviemore, PH22 1RW

**10.3 Premises:** Clunebeg Lodge, Clunebeg Estate, Drumnadrochit, IV63 3US

**Licence Holder:** Gillian Marion Daley, Clunebeg Lodge, Clunebeg Estate, Drumnadrochit, IV63 3US

**10.4 Premises:** Lochaber Rural Complex, Aonach Mor Road, Torlundy, Fort William, PH33 6SQ

**Licence Holder:** Lochaber Rural Complex Limited, c/o Voluntary Action Lochaber, Claggan Road, Fort William

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

## **11. Review proposals – non-payment of annual premises licence fees Moladh ath-sgrùdaidh – neo-phàigheadh chisean ceadachd togalaich bliadhna**

There had been circulated **Report No HLB/042/21** by the Clerk which invited the Board to make premises licence review proposals in respect of premises licences for which the annual fee has not been paid.

In response to questions, the Clerk explained that it was recognised this had been a difficult year for the trade due to the pandemic, however the number of premises which had not paid the annual fee at this stage was in line with previous years. It was anticipated the majority of premises listed in the report would either pay their annual fee or confirm they were no longer trading prior to the next meeting. To date, no premises had sought to negotiate a reduced fee, however individual premises would have the opportunity to put forward a case in this regard to the next meeting, albeit it was a mandatory condition that the annual fee was paid

The Board **AGREED** to **MAKE REVIEW PROPOSALS** for those premises which had not paid their annual fee and to hold review hearings at the next meeting of the Board on 22 June 2021 on the ground that non-payment of annual fees is a breach of mandatory condition 10 of the premises licence.

The meeting ended at 2.15pm.

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