

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 3 August 2021 at 1.00pm.

Present:

Mr J Bruce, Mr A Jarvie, Mrs L Macdonald (Convener), Mr D Macpherson, Mr K Rosie, and Mr C Smith.

In Attendance:

Mr I Meredith, Depute Clerk to the Board
Ms R Banfro, Solicitor
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 8.2: Mr. Keith Falconer (Applicant's agent)

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

Apologies for absence were intimated on behalf of Ms E Knox and Mr A Sinclair.

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 22 June 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/062/21** detailing licences which had been granted under delegated powers by the Clerk to the Board during the period 10 June 2021 to 21 July 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/063/21** detailing occasional licences and extended hours applications which had been granted under delegated powers by the Clerk to the Board during the period 10 June 2021 to 21 July 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/INBS/662

Applicant: Tiger Tandoori Ltd, 41A Montrose Avenue, Auldearn, IV12 5TT

Premises: Ness Mahal, 64-66 Academy Street, Inverness, IV1 1LP

Type: on and off sales

There had been circulated **Report No HLB/064/21** 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.

6.2 Ref: HC/RSL/1978

Applicant: Rural Escapes (Highland) Ltd, 6A Drynoch, Crossal, Isle of Skye, IV47 8SP

Premises: Monkstadt House, Linicro, Portree, Isle of Skye, IV51 9YN

Type: on and off sales

There had been circulated **Report No HLB/065/21** 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 and additional local condition (m).

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

7.1 Ref: HC/INBS/659

Applicant: Robert Inglis, 33 Queensgate, Inverness, IV1 1DG

Premises: Maleia's, 24 Grant Street, Inverness, IV3 8BL

Type: on and off sales

There had been circulated **Report No HLB/066/21** by the Clerk which advised that a timeous notice of objection had been received from Merkinch Community Council. The Board was invited to determine the application.

A written submission had been provided by the applicant in response to the objection received and circulated to Members prior to the meeting.

The Board **AGREED** to **GRANT** the application for provisional premises licence subject to the mandatory conditions, and additional local conditions (a), (b), (c) and (x).

7.2 Ref: HC/INBS/553

Applicant: Gur Wine and Spirits Business Consultancy Limited, Flat 33
Riverview, Portland Place, Inverness, IV1 1NE

Premises: Highland Whisky Shop, 23 Castle Street, Inverness, IV2 3EP

Type: off sales

There had been circulated **Report No HLB/067/21** by the Clerk which invited the Board to determine the application.

A written submission had been provided by the applicant and circulated to Members prior to the meeting.

The Board **AGREED** to **GRANT** the application for a provisional premises licence subject to the mandatory conditions, and additional local condition (g).

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/140

Applicant: Parkdean Holiday Parks Ltd, 2nd Floor, One Gosforth Park Way,
Gosforth Business Park, Newcastle Upon Tyne, NE12 8ET

Premises: The Entertainment Complex, Nairn Lochloy Holiday Park, East
Beach, Nairn, IV12 5DE

Type: on and off sales

There had been circulated **Report No HLB/068/21** 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 existing local conditions.

8.2 Ref: HC/INBS/277

Applicant: Benleva Hotel Ltd, Kilmore Road, Drumnadrochit, IV63 6UH

Premises: Benleva Hotel, Kilmore Road, Drumnadrochit, Inverness-shire, IV63 6UH

Type: on and off sales

There had been circulated **Report No HLB/069/21** by the Clerk which invited the Board to determine the application.

The Solicitor advised that a non-timeous representation dated 2 August 2021 had been received from Police Scotland and that the Board was required to consider whether there was good reason to accept the late representation.

Sergeant K Duncan explained that an incident had taken place on the premises which had been brought to her attention on 22 July 2021, and that further details had been received from the police officer who had attended the incident on 28 July 2021.

Mr K Falconer for the applicant, advised that while his clients did not wish to concede the point regarding the late objection, this having been lodged the day before the Board meeting, it was a matter for the Board to consider whether there was good reason to consider the representation.

The Board **AGREED** to consider the late representation from Police Scotland on the basis of the short timescales between the alleged offence and the Board meeting.

Sergeant Duncan advised that the premises were currently the subject of a ongoing Police investigation into an alleged offence under the Licensing (Scotland) Act 2005. She was unable to provide the Board with further details at this stage so as not to prejudice any investigation or subsequent proceedings but wished to make the Board aware of the situation in considering the application.

Mr K Falconer explained that neither he or his clients were aware of the alleged incident and that Police Scotland were not objecting to the application. He invited the Board to determine the application on the basis that if matters proceeded on the investigation then Police Scotland could refer the premises back to the Board for a review hearing.

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

8.3 Ref: HC/INBS/497

Applicant: Whitbread Group plc, Houghton Hall Business Park, Porz Avenue, Dunstable, Bedfordshire, LU5 5XE

Premises: Premier Inn and Loch Ness House Beefeater, Glenurquhart Road, Inverness, IV3 6TD

Type: on and off sales

There had been circulated **Report No HLB/070/21** by the Clerk which invited the Board to determine the application.

A written submission had been provided by the applicant and circulated to Members prior to the meeting.

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

8.4 Ref: HC/RSL/1460

Applicant: Fort William Golf Club

Premises: Fort William Golf Club Clubhouse, Torlundy, Fort William, PH33 6SN

Type: On and Off-sales

There had been circulated **Report No HLB/071/21** 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, existing local conditions, the following additional local condition:

The licence holder shall submit to the Board and to Police Scotland, prior to 1 December each year, notice of the dates within the festive period on which it is intended that the premises remain open until the festive period terminal hour stated for that category of premises in the Board's Policy Statement. The premises may remain open until the festive period terminal hour only on those dates for which notice has been given by the licence holder to the Board and to Police Scotland in accordance with this condition;

And the following specific conditions:

During any period where the premises are permitted to remain open after 0100hrs a person who is the holder of a Scottish Personal Licence shall be on the premises from 0100hrs.

During any period where the premises are permitted to remain open after 0100hrs a person who is the holder of a First Aid Qualification shall be on the premises from 01.00hrs.

8.5 Ref: HC/CSR/1815

Applicant: JS&TT Ltd

Premises: JS&TT t/a Jim Bews, 10 Orlig Street, Thurso

Type: Off Sales

There had been circulated **Report No HLB/072/21** by the Clerk which invited the Board to determine the application.

The Solicitor advised that Building Standards had confirmed that no enforcement action would be taken in relation to an outstanding completion certificate.

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

9. Application for personal licence Iarrtas airson ceadachd phearsanta

9.1 Applicant: Rory Harkness

There had been circulated **Report No HLB/073/21** by the Clerk.

The applicant was not in attendance.

An objection to the application had been received from Police Scotland and circulated to Members prior to the meeting. Sergeant K Duncan advised that the applicant had been convicted of a relevant offence which he had failed to disclose on the application form. This related to a contravention of Section 3 of the Sexual Offences (Scotland) Act 2009, specific details of which she provided to the Board. Police Scotland considered that due to the serious nature of the offence the applicant was not a fit and proper person to hold a personal licence, and his application be refused on the basis it was inconsistent with the preventing crime and disorder and securing public safety licensing objectives

The Board **REFUSED** the application for a personal licence on the grounds that the applicant was not a fit and proper person to hold a personal licence and that his application would be inconsistent with the following licensing objectives:

Preventing Crime and Disorder; and
Securing Public Safety.

The meeting ended at 1.35pm.
