

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 30 November 2021 at 1.00pm.

Present:

Mr A Jarvie, Ms E Knox, Mrs L Macdonald (Convener), Mr D Macpherson, Mr K Rosie and Mr C Smith.

In Attendance:

Mr I Meredith, 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

Item 10.1: Mr Robert Morton, Applicant

Item 10.2: Mr Stephen Walker, Applicant

Items 10.3 to 10.6: Ms Eilidh McGuire, Applicant's representative

Items 10.8 to 10.21: Ms Eilidh McGuire, Applicant's representative

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 Mr J Bruce 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 26 October 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/094/21** detailing licences which had been granted under delegated powers by the Clerk to the Board during the period 13 October 2021 to 16 November 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/095/21** detailing occasional licences and extended hours applications which had been granted under delegated powers by the Clerk to the Board during the period 13 October 2021 to 16 November 2021.

The Board **NOTED** the report.

**6. The Highland Licensing Board Annual Financial Report 2020/21
Aithisg Ionmhasail Bhliadhnail Bòrd Ceadachd na Gàidhealtachd 2020/21**

There had been circulated **Report No HLB/096/21** inviting the Board to approve the Board's third annual Financial Report for publication in accordance with section 9B of the Licensing (Scotland) Act 2005.

In discussion, reference was made to the variance between income and expenditure outlined in the report and the fact a surplus had been generated, observing that the Board had a duty only to recover its costs. An assurance was sought that licensees and applicants in Highland were not being overcharged in respect of the annual licensing fees in comparison to other Board areas.

The Clerk explained the annual financial report had been submitted to the Board in November in the current and previous years due amended timelines in the emergency Covid-19 legislation and after the payment notices for the annual fees had been issued. The next annual report would be submitted to the Board in June 2022 and this would allow the Board to make an informed decision as to whether there should be any alteration in the annual fees. The view of the Board and on hearing from the Highland Licensing Forum, was that a good use of any surplus would be to employ an additional licensing standards officer and he provided an update on progress with the Council's recruitment process for this post.

The Board **APPROVED** the Financial Report 2020-21 for publication.

**7. Policy Statement 2022-2025 under the Gambling Act 2005
Aithris Poileasaidh 2022-25 fo Achd na Ceàrrachd 2005**

There had been circulated **Report No HLB/097/21** detailing the consultation responses to the Consultation Draft Policy Statement set out in Appendix 1 and inviting the Board to agree the terms of its Policy Statement 2022-2025 following consideration of these consultation responses.

The Board **APPROVED** the terms of the Policy Statement for 2022-2025.

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

8.1 Ref: HC/INBS/665

Applicant: Partnership of Janet Kennedy and Graham Prentice

Premises: Arden House Bed and Breakfast, Newtonmore Road, Kingussie, PH21 1HE

Type: On-sales

There had been circulated **Report No HLB/098/21** by the Clerk which invited the Board to determine the application.

The Board **AGREED** to **GRANT** the application for a new premises licence subject to the mandatory conditions and the following special condition:

Alcohol shall solely be sold to guests who have been allocated residential accommodation on the premises.

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

9.1 Ref: HC/RSL/1988

Applicant: Skye Lodges Ltd

Premises: An Talla Mor – 1820, Bank Street, Portree, Isle of Skye, IV51 9BX

Type: On and off sales

There had been circulated **Report No HLB/099/21** 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 condition (m).

10. Licensing (Scotland) Act 2005
Applications for variation (major) to premises licences
Achd Ceadachd (Alba) 2005
Iarrtasan airson Caochladh (Mòr) a thaobh ceadachdan thogalaichean

10.1 Ref: HC/INBS/294

Applicant: La Taverna (Aviemore) Ltd, per Robin Morton, 3/2 The Printworks, 14 Norval Street, Glasgow, G11 7RS

Premises: La Taverna Ristorante, High Range Holiday Complex, Grampian Road, Aviemore, PH22 1PT

Type: on and off sales

There had been circulated **Report No HLB/100/21** by the Clerk which invited the Board to determine the application.

The applicant requested that a late revision be added to the application to the effect that question 6 of the operating plan be amended to read “at management discretion which shall rest with the DPM, Children and Young Persons may be permitted to attend the full duration of a private function”.

The Licensing Standards Officer advised that the requested revision was entirely reasonable and this condition was applied to many similar licences in Highland. The proposed amendment was in keeping with the licencing objectives.

The Board **AGREED** to **GRANT** the application for a provisional premises licence subject to the mandatory conditions, additional local condition (m), (n), (k) and (o) and the following special conditions:

1. On any occasion the premises are open after 01.00hrs a Person who holds a Scottish Personal Licence shall be present on the Premises until they close.
2. On any occasion the premises are open after 01.00hrs a Person who holds a current first aid certificate shall be present on the Premises until they close.

The Board **AGREED** to **AMEND** question 6 of the operating plan to “at management discretion which shall rest with the DPM, Children and Young Persons may be permitted to attend the full duration of a private function”.

10.2 Ref: HC/CSR/1422

Applicant: Ross Sutherland Rugby Club

Premises: Ross Sutherland Rugby Club, Naval Grounds, Castle Avenue, Invergordon

Type: On and Off-sales

There had been circulated **Report No HLB/101/21** 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.

10.3 Ref: HC/INBS/22

Applicant: Co-operative Group Food Limited per Hill Brown Licensing, 5 Renfield Street, Glasgow, G2 5EZ

Premises: Co-op, 24 High Street, Kingussie, PH21 1HR

Type: Off-sales

There had been circulated **Report No HLB/102/21** by the Clerk which invited the Board to determine the application.

In response to a question, the applicant's representative provided an explanation of the procedures and training her client had in place to ensure the person ordering online or at the point of delivery was not intoxicated or in the event the same person was ordering alcohol on a frequent basis. She also addressed points in relation to current procedures around proof of delivery, noting these were regularly audited. She would be content to have further discussions with Board Members on this matter if required.

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

10.4 Ref: HC/INBS/505

Applicant: Co-operative Group Food Limited per Hill Brown Licensing, 5 Renfield Street, Glasgow, G2 5EZ

Premises: Co-op, 1 Granish Way, Dalfaber, Aviemore, PH22 1UQ

Type: Off-sales

There had been circulated **Report No HLB/103/21** 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.

10.5 Ref: HC/INBS/09

Applicant: Co-operative Group Food Limited per Hill Brown Licensing, 5 Renfield Street, Glasgow, G2 5EZ

Premises: Co-op, 4 The Square, Grantown-on-Spey, PH26 3HG

Type: Off-sales

There had been circulated **Report No HLB/104/21** 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.

10.6 Ref: HC/INBS/525

Applicant: Co-operative Group Food Limited per Hill Brown Licensing, 5 Renfield Street, Glasgow, G2 5EZ

Premises: Co-op, Main Street, Newtonmore, PH20 1DR

Type: Off-sales

There had been circulated **Report No HLB/105/21** 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.

10.7 Ref: HC/INBS/301

Applicant: Fairways Inverness Limited

Premises: Fairways, Castle Heather, Inverness, IV2 6AA

Type: On and Off-sales

There had been circulated **Report No HLB/106/21** 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.

10.8 Ref: HC/RSL/1105

Applicant: Co-operative Group Food Limited per Hill Brown Licensing, 5 Renfield Street, Glasgow, G2 5EZ

Premises: Co-operative Group Limited, Kilmallie Road, Caol, Fort William, PH33 7EN

Type: Off-sales

There had been circulated **Report No HLB/107/21** 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.

10.9 Ref: HC/RSL/0202

Applicant: Co-operative Group Food Limited per Hill Brown Licensing, 5 Renfield Street, Glasgow, G2 5EZ

Premises: Co-operative Group Limited, 20 Stevenson Terrace, Kinlochleven, PH50 5RP

Type: Off-sales

There had been circulated **Report No HLB/108/21** 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.

10.10 Ref: HC/RSL/0434

Applicant: Co-operative Group Food Limited per Hill Brown Licensing, 5 Renfield Street, Glasgow, G2 5EZ.

Premises: 1 Royal Bank Buildings, Main Street, Corpach, Fort William, PH33 7JG.

There had been circulated **Report No HLB/109/21** 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.

10.11 Ref: HC/RSL/0435

Applicant: Co-operative Group Food Limited per Hill Brown Licensing, 5 Renfield Street, Glasgow, G2 5EZ

Premises: Co-operative Group Food Limited, Station Road, Mallaig, PH41 4PY

Type: Off-sales

There had been circulated **Report No HLB/110/21** 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.

10.12 Ref: HC/RSL/1650

Applicant: Co-operative Group Food Limited per Hill Brown Licensing, 5 Renfield Street, Glasgow, G2 5EZ

Premises: Co-op, Old Station Yard, Angus Crescent, Ballachulish, PH49 4JS

Type: Off-sales

There had been circulated **Report No HLB/111/21** 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.

10.13 Ref: HC/RSL/0167

Applicant: Co-operative Group Food Limited per Hill Brown Licensing, 5 Renfield Street, Glasgow, G2 5EZ

Premises: Co-op, Main Street, Broadford, Isle of Skye, IV49 9AB

Type: Off-sales

There had been circulated **Report No HLB/112/21** 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.

10.14 Ref: HC/RSL/1322

Applicant: Co-operative Group Food Limited per Hill Brown Licensing, 5 Renfield Street, Glasgow, G2 5EZ

Premises: Co-op, Bridge Road, Kyle of Lochalsh, IV40 8BU

Type: Off-sales

There had been circulated **Report No HLB/113/21** 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.

10.15 Ref: HC/RSL/1424

Applicant: Co-operative Group Food Limited per Hill Brown Licensing, 5 Renfield Street, Glasgow, G2 5EZ

Premises: The Co-operative Food, 3 Bank Street, Portree, Isle of Skye, IV51 9DA

Type: Off-sales

There had been circulated **Report No HLB/114/21** 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.

10.16 Ref: HC/RSL/0169

Applicant: Co-operative Group Food Limited per Hill Brown Licensing, 5 Renfield Street, Glasgow, G2 5EZ

Premises: Co-op, Woodpark, Dunvegan Road, Portree, Isle of Skye, IV51 9HQ

Type: Off-sales

There had been circulated **Report No HLB/115/21** 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.

10.17 Ref: HC/CSR/0324

Applicant: Co-operative Group Food Limited per Hill Brown Licensing, 5 Renfield Street, Glasgow, G2 5EZ

Premises: Co-operative Group Food Limited, Main Street, Golspie, KW10 6RA

Type: Off-sales

There had been circulated **Report No HLB/116/21** 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.

10.18 Ref: HC/CSR/0688

Applicant: Co-operative Group Food Limited per Hill Brown Licensing, 5 Renfield Street, Glasgow, G2 5EZ

Premises: Co-op, Fountain Square, Brora, KW9 6NX

Type: Off-sales

There had been circulated **Report No HLB/117/21** 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.

10.19 Ref: HC/CSR/1059

Applicant: Co-operative Group Food Limited per Hill Brown Licensing, 5 Renfield Street, Glasgow, G2 5EZ

Premises: Co-op, Cathedral Square, Dornoch, IV25 3SJ

Type: Off-sales

There had been circulated **Report No HLB/118/21** by the Clerk which advised that a timeous notice of objection had been received from Richard Easson. The Board was invited to determine the application.

The Licensing Standards Officer advised that he had clarified with the objector that the matters raised in his objection related to planning matters. The objector had accepted the Licensing Board was not the most appropriate forum to raise these matters.

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

10.20 Ref: HC/CSR/0694

Applicant: Co-operative Group Food Limited per Hill Brown Licensing, 5 Renfield Street, Glasgow, G2 5EZ

Premises: Co-operative Group Food Limited, 67/73 High Street, Fortrose

Type: Off-sales

There had been circulated **Report No HLB/119/21** 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.

10.21 Ref: HC/CSR/0357

Applicant: Co-operative Group Food Limited per Hill Brown Licensing, 5 Renfield Street, Glasgow, G2 5EZ

Premises: Co-op, 14 High Street, Tain

Type: Off-sales

There had been circulated **Report No HLB/120/21** 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.

11. Surrender of premises licence
Gèilleadh ceadachd togalaich

11.1 Premises: Fairwinds Hotel and Chalets, Carrbridge, Inverness-shire,
PH23 3AA

Licence Holder: J and P R Haywood

11.2 Premises: The Kilmartin Restaurant, Staffin Community Hall, Staffin, Isle
of Skye, IV51 9JS

Licence Holder: Morag N MacKenzie

11.3 Premises: Tiso, Unit 1, Grampian Road, Aviemore, PH22 1AF

Licence Holder: Graham Tiso Ltd

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

The meeting closed at 1.55pm.
