

## Highland Licensing Board

Meeting – 29 March 2022

Agenda Item	12
Report No	HLB/028/22

### The Licensing (Scotland) Act 2005, Section 37

#### Premises licence review proposals – Non-payment of annual premises licence fee 2021/22

#### 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 2021 to 30 September 2022.

### 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 2021 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: 17 March 2022

Author: Clerk to the Licensing Board

Background Papers: The Licensing (Scotland) Act 2005

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

## Appendix 1

<b>Reference</b>	<b>Premises</b>	<b>Licence holder</b>	<b>Ground of review</b>
HC/CSR/1839	Charleston House Flowerday Bay Gairloch	Captain Jonathan Stoneley	Non payment of annual fee
HC/CSR/0241	Pittentrail Inn Rogart	Pittentrail Inn Ltd	Non payment of annual fee
HC/CSR/1785	The Larder 45 High Street Alness	Carolyn Wilson	Non payment of annual fee
HC/CSR/0162	Allangrange Arms 54 Millbank Road Munloch	Obar (Munloch) Ltd	Non payment of annual fee
HC/INBS/335	Bay Leaf Spice Limited, 47 High Street, Grantown on Spey, PH26 3EG	Hasna Khanom	Non payment of annual fee
HC/INBS/616	Brokies Bar, Kiltarlity, By Beauly, IV4 7HW	Marie E Goodman	Non payment of annual fee
HC/INBS/212	Columba House Hotel, 9 Newton Place, Office 1, Technology House, Glasgow, G3 7PR	Columba House Hotel Ltd	Non payment of annual fee
HC/INBS/37	Mercure Inverness Hotel, 33 Church Street, Inverness, IV1 1DX	Jupiter Hotels Limited	Non payment of annual fee
HC/INBS/381	The Star Inn, 8 High Street, Ardersier, IV2 7QB	The Star Inn (Ardersier) Ltd	Non payment of annual fee