

## The Highland Licensing Board

Meeting – 25 April 2022

Agenda Item	<b>6</b>
Report No	<b>HLB/030/22</b>

### 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 29 March 2022 in respect of those premises for which the annual premises licence fee for the year 2021/22 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.

	<b>Ref</b>	<b>Premises</b>	<b>Licence holder</b>
1	HC/INBS/335	Bay Leaf Spice Limited, 47 High Street, Grantown on Spey, PH26 3EG	Hasna Khanom
2	HC/INBS/616	Brockies Bar, Kiltarlity, By Beauly, IV4 7HW	Maria Ella Goodman
3	HC/CSR/1839	Charleston House, Flowerday Bay, Gairloch	Captain Jonathan Stoneley

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: 14 April 2022

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: Bay Leaf Spice Ltd, 47 High Street, Grantown on Spey, PH36 3EG**

#### **1.0 Licensing History:**

- 1.1 Hasna Khanom is the holder of the premises licence HC/INBS/0335 for the premises known as Bay Leaf Spice Limited. The premises are described as a ground floor restaurant accommodated within a semi detached building with residential accommodation above in a central location in the town of Grantown on Spey.
- 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 29 March 2022, I received notice in terms of section 38(3)(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 11 April 2022 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/0335

Date: 11 April 2022

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: Brockies Bar, Kiltarlity, by Beauly, IV4 7HW**

#### **1.0 Licensing History:**

- 1.1 Maria Ella Goodman is the holder of the premises licence HC/INBS/616 for the premises known as Brockies Bar. The premises are described as bar premises with beer garden set in its own grounds in the village of Kiltarlity.
- 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 29 March 2022, I received notice in terms of section 38(3)(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 11 April 2022 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/0616

Date: 11 April 2022

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: Charleston House, Flowerdale Bay, Gairloch**

#### **1.0 Licensing History:**

- 1.1 Captain Jonathan Stoneley is the holder of the premises licence HC/CSER/1839 for the premises known as Charleston House, Gairloch. The premises operate as a small hotel.
- 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 £157.00 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 29 March 2022, I received notice in terms of section 38(3)(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 informing the premises licence holder of the proposed review hearing was sent by First Class post and Recorded Delivery.
- 3.2 All attempts to contact the licence holder by means of telephone, mobile as well as e-mail have been unsuccessful, all coming back as unobtainable. I have been unable to confirm the current trading status of the premises.

Designation: Licensing Standards Officer

Reference: HC/CSR/1839

Date: 12 April 2022

Author: Garry Cameron

Background Papers: The Licensing (Scotland) Act 2005