

## **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 29 March 2022 at 1.00pm.

### **Present:**

Mr J Bruce, Ms E Knox, Mrs L Macdonald (Convener), Mr D Macpherson.

### **In Attendance:**

Ms C McArthur, Clerk to the Board  
Mr I Meredith, Depute Clerk to the Board  
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:**

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

Item 6.1 – Tristan Aitchison (applicant)  
Item 7.1 - Chris Grunert (agent), Donovan Sumner (applicant)  
Item 7.3 - Andrew Hunter (agent), Charlie Garton Jones (applicant)  
Item 8.1 - Andrew Hunter (agent), Gordon McIntyre (applicant)  
Item 8.2 - Alistair MacDonald (agent)  
Item 8.3 - Andrew Hunter (agent)  
Item 9.1 - Thomas MacMillan (licence holder)

## **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 A Jarvie and Mr K Rosie.

### **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 February 2022.

The Minutes were held as read and **APPROVED**.

**4. Licensing (Scotland) Act 2005  
Licences granted under delegated powers  
Ahd Ceadachd (Alba) 2005  
Ceadachdan a bhuilicheadh fo ùghdarras air a Thiomnadh**

There had been circulated **Report No HLB/014/21** detailing licences which had been granted under delegated powers by the Clerk to the Board during the period 10 February 2022 to 16 March 2022.

The Board **NOTED** the report.

**5. Licensing (Scotland) Act 2005  
Occasional licences and extended hours  
granted under Delegated Powers  
Ahd Ceadachd (Alba) 2005  
Ceadachdan Corra-uair agus uairean sìnte a bhuilicheadh fo ùghdarras air a thiomnadh**

There had been circulated **Report No HLB/015/21** detailing occasional licences and extended hours applications which had been granted under delegated powers by the Clerk to the Board during the period 10 February 2022 to 16 March 2022.

The Board **NOTED** the report.

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

**6.1 Ref: HC/INBS/667**

**Applicant:** Tristan Murray Gray Aitchison, 19 Union Road, Inverness, IV2 3JY

**Premises:** XOKO Ltd, 13 Bridge Street, Inverness, IV1 1HG

**Type:** on and off sales

There had been circulated **Report No HLB/016/22** 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 local conditions (f) and (l).

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/**

**Applicant:** Hotel Co 51 UK Limited, 804-834 Bath Road, Hounslow, TW5 9UH

**Premises:** Moxy, Glebe Street, Inverness

**Type:** On and off sales

There had been circulated **Report No HLB/017/22** by the Clerk which invited the Board to determine the application.

Mr C Grunert, agent for the applicant, raised a number of issues in relation to the local conditions (a) and (c) and special conditions the Licensing Standards Officer had recommended be attached to any grant of a provisional premises licence, and he requested a number of amendments to those conditions for the reasons he had outlined.

In response, the Depute Clerk and Licensing Standards Officer suggested to Members that due to the shared reception/bar arrangement at the premises the recommended local conditions (a) and (c) in relation to children's access could be amended to specify an exemption where children were approaching the bar for check in/out or welfare purposes without infringement of the licensing objectives. The recommended special conditions (1) and (2) could also be amended so that they applied to post 0100 hrs opening of the premises.

Following discussion, the Board **AGREED** to **GRANT** the application for a provisional premises licence subject to the mandatory conditions and local conditions (a), (b), (c), (f), (k), (m), and (n(i)), and the special conditions, subject to the following amendments:

- Local condition (a) to read - Children under the age of 16 are excluded from any room where there is a bar counter after 2200 hours except during private functions or for the purpose of viewing live entertainment or where the child is in the room for the purpose of taking a meal or for the purpose of check-in/out to the hotel and general welfare purposes. This condition does not apply to any child who is in the bar solely for the purpose of passing to or from some other part of the premises being a part to or from which there is no other convenient means of access or egress.
- Local condition (c) to read - Notwithstanding conditions (a) and (b) children must not sit or remain at the bar counter at any time save for the purpose of check-in/out to the hotel and general welfare purposes.
- Local condition (f) to read - Alcohol may be sold on the premises prior to 1100 hours only to persons taking table meals. This condition does not apply to residents and their bona fide guests.

Special conditions to be amended as follows:

- A person who holds a Scottish Personal Licence shall be on the premises from 01:00 hours until 05:00 hours when serving alcohol for consumption on the premises to persons other than residents and their bona fide guests
- A person who holds a current First Aid qualification shall be on the premises from 01:00 hours until 05:00 hours when serving alcohol for consumption on the premises to persons other than residents and their bona fide guests.

## **7.2 Ref: HC/RSL/1900**

**Applicant:** Susan P Kirk

**Premises:** Isle of Eigg Shop (New), An Laimhrig, Isle of Eigg, PH42 4RL

**Type:** Off-sales

There had been circulated **Report No HLB/018/22** by the Clerk which invited the Board to determine the application.

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

## **7.3 Ref:**

**Applicant:** Bracken Hide Ltd per Harper MacLeod LLP

**Premises:** Bracken Hide Hotel, Struan Road, Portree, Isle of Skye, IV51 9EG

**Type:** On and off sales

There had been circulated **Report No HLB/019/22** by the Clerk which invited the Board to determine the application.

Mr A Hunter, agent for the applicant, requested that the recommended limit on the outdoor drinking area be extended from 2200hrs to 2300hrs. This would allow guests in the accommodation cabins to enjoy a drink outside later in the evenings and it was not considered this would lead to any noise disturbance.

The Board heard from the Clerk and the Licensing Standards Officer on the options available to the Board in relation to the use of the outdoor area and the advice received from Environmental Health.

During discussion, Members considered that suggested that the recommended local condition (m) which proposed a limit of 2200 hours for the outside drinking area was reasonable in the circumstances.

On hearing further from the applicant's agent, Members confirmed they would be content for the words "and non-alcoholic" to be removed from local condition (m).

The Board **AGREED** to **GRANT** the application for a provisional premises licence subject to the mandatory conditions and local condition (m) with the words "and non-alcoholic" removed from said condition.

**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/539**

**Applicant:** BP Oil UK Ltd

**Premises:** BP Longman Filling Station, 22-24 Longman Road, Inverness, IV1 1RY

**Type:** Off sales

There had been circulated **Report No HLB/020/22** by the Clerk which invited the Board to determine the application.

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

**8.2 Ref: HC/INBS/588**

**Applicant:** Aviemore Experience Ltd, per MacDonald Licensing, 21a Rutland Square, Edinburgh, EH1 2BB

**Premises:** Thistle Do Nicely, Unit 1D Aviemore Shopping Centre, Grampian Road, Aviemore, PH22 1RH

**Type:** off sales

There had been circulated **Report No HLB/021/22** by the Clerk which invited the Board to determine the application.

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

**8.3 Ref: HC/INBS/360**

**Applicant:** Motor Fuel Ltd, Gladstone Place, 36-33 Upper Marlborough Road, St Albans, AL1 3UU.

**Premises:** Esso Kessock Service Station, Longman Road, Inverness, IV1 1SD

**Type:** off sales

There had been circulated **Report No HLB/022/22** by the Clerk which invited the Board to determine the application.

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

**8.4 Ref:**

**Applicant:** Ronald MacKinnon

**Premises:** Rankins Stores and Post Office, Uig, Isle of Skye, IV51 9XP

**Type:** off sales

There had been circulated **Report No HLB/023/22** by the Clerk which invited the Board to determine the application.

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

**8.5 Ref: HC/CSR/0327**

**Applicant:** Alastair McArthur

**Premises:** Kyle Bakery, Dornoch Road, Bonar Bridge, IV24 3EB

**Type:** off Sales

There had been circulated **Report No HLB/024/22** by the Clerk which invited the Board to determine the application.

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

**8.6 Ref: HC/CSR/0293**

**Applicant:** Blargoans Ltd

**Premises:** Northern Sands Hotel, Dunnet

**Type:** On and Off Sales

There had been circulated **Report No HLB/025/22** by the Clerk which invited the Board to determine the application.

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

**9. Licensing (Scotland) Act 2005 Section 83 – review of personal licence  
Achd Cheadachd (Alba) 2005, Earrann 83 – ath-sgrùdadh air ceadachd  
phearsant**

**9.1 Licence Holder: Thomas MacMillan (HC/RSL/L/7186)**

There had been circulated **Report No HLB/026/22** by the Clerk which advised that a timeous representation had been received from Police Scotland in relation to the licence holder.

Sergeant K Duncan read out the terms of the Police Scotland's representation in relation to the Thomas MacMillan, personal licence holder, [text removed from web version in compliance with Data Protection Act 1998]. Police Scotland requested that the Board give consideration to his personal licence being endorsed, suspended or revoked.

The Board then heard from the licence holder in support of his personal licence and in relation to the circumstances [text removed from web version in compliance with Data Protection Act 1998].

Following discussion, Mr D MacPherson seconded by Mrs L Macdonald **moved** that that the grounds for review were established and the personal licence be endorsed.

As an **amendment**, Ms E Knox moved that the grounds for review were established and the personal licence be suspended but on failing to find a seconder the amendment fell.

The Board **AGREED** that the grounds for review were established and that the personal licence be **ENDORSED**.

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

**10.1 Applicant:** Thomas McAnelly (HC/INBS/7880)

There had been circulated **Report No HLB/27/22** by the Clerk which advised that a representation had been received from Police Scotland in relation to the applicant.

The applicant was not present.

Following discussion, the Board **AGREED** to **DEFER** consideration of the application to the next meeting of the Board to allow the applicant the opportunity to attend.

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

**11.1 Premises:** The Overscaig House Hotel, Loch Shin, by Lairg, IV27 4NY

**Licence Holder:** Black Cormorant Ltd

**11.2 Premises:** Seafood Restaurant, Railway Buildings, Kyle of Lochalsh, IV40 8AQ

**Licence Holder:** Janette P MacRae

**11.3 Premises:** Castle Street Restaurant, 41 Castle Street, Inverness, IV2 3DU

**Licence Holder:** Partnership of R & K Comfort

**11.4 Premises – 2 Quail Restaurant, Inistore House, Castle Street, Dornoch, IV25 3SN**

**Licence Holder:** Rowan Carr

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

## **12. Review proposals – non-payment of annual premises licence fees Moladh ath-sgrùdaidh – neo-phàigheadh chìsean ceadachd togalaichbliadhna**

There had been circulated **Report No HLB/028/22** by the Clerk inviting the Board to make premises licence review proposals in respect of premises licences for which the annual fee has not been paid.

The Board **AGREED** to make review proposals in respect of each of the premises listed in Appendix 1 to the report with a view to holding review hearings at the Board's next meeting on 25 April 2022 on the ground that non-payment of annual fees was in breach of mandatory condition 10 to which each premises licence is subject.

The meeting closed at 2.55ppm.

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