

HIGHLAND LICENSING BOARD

Minute of the meeting of the **Highland Licensing Board** held in the Council Chamber, Council Headquarters, Glenurquhart Road, Inverness on Tuesday 6 September 2022 at 1pm.

Present:

Mr C Birt, Mr J Grafton, Ms J Hendry, Mr S Kennedy, Mr D Macpherson, Mr D Millar, Mr P Oldham, Mr K Rosie.

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
Ms A Macrae, Committee Administrator

Also In Attendance:

Inspector G Brown, Police Scotland

Item 6.2: Stephen McGowan (TLT Solicitors)

Item 7.2: Yasmin Miles (Macleod & MacCallum)

Item 7.3: Chris O'Brian, Mary-Anne Campbell, John Sutherland, applicants

Item 8.1: Karen Chisholm and Ian Morrison, applicants, Gareth Cotton, objector

Item 9.1: Andrew Cook, applicant

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

An apology for absence was intimated on behalf of Ms E Knox.

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 9 August 2022.

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/061/21** detailing licences which had been granted under delegated powers by the Clerk to the Board during the period 27 July 2022 to 24 August 2022.

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/062/21** detailing occasional licences and extended hours applications which had been granted under delegated powers by the Clerk to the Board during the period 27 July 2022 to 24 August 2022.

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/674

Applicant: St Ninian Bowling Club, Viewfield Drive, Nairn, IV12 4EE

Premises: St Ninian Bowling Club, Viewfield Drive, Nairn, IV12 4EE

Type: On sales

There had been circulated Report No HLB/079/22 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 local conditions (m) and (n)(i).

6.2 Ref: HC/RSL/2022

Applicant: Campbell W Dickson per TLT Solicitors, 41 West Campbell Street, Glasgow, G2 6SE

Premises: Caberfeidh Bar & Restaurant, Caroy House, Somerled Square, Portree, Isle of Skye, IV51 9EH

Type: On and Off sales

There had been circulated Report No HLB/080/22 by the Clerk which invited the Board to determine the application.

The Board **AGREED** to **GRANT** the application for new premises licence subject to the mandatory conditions only

6.3 Ref: HC/RSL/2025

Applicant: International Food Store (FW) Limited per Brenda Johnston, 3d-Architecture-Highland, 1A Lochalsh Road, Inverness, IV3 8HU

Premises: International Food Store (FW) Limited, Unit 1, Airds Crossing, Fort William, PH33 6EU

Type: Off sales

There had been circulated Report No HLB/081/22 by the Clerk which invited the Board to determine the application.

In response to a question, the Licensing Standards Officer advised that the majority of the premises was given over to food provision, and the application for off sales was well below the Board's threshold in terms of overprovision.

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

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/673

Applicant: The Grand Whisky Auction Limited, The Cellar, Invergordon, IV18 0LQ

Premises: The Cellar, 94A Old Edinburgh Road, Inverness, IV2 3HT

Type: Off sales

There had been circulated Report No HLB/082/22 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.

7.2 Ref: HC/RSL/2023

Applicant: Artesian Holdings Ltd per Macleod & MacCallum, Solicitors, 28 Queensgate, Inverness, IV1 1DJ

Premises: 57 Nord (Sky House and Hill House), Upper Ardelve, Ross-shire, IV40 8EY

Type: On sales

There had been circulated Report No HLB/083/22 by the Clerk which invited the Board to determine the application.

In response to questions, the applicant confirmed that the premises were relatively secluded and there were no neighbouring properties that would be impacted by the outdoor drinking area. The Licensing Standards Officer advised that the alcohol offering was very small scale, by way of mini fridges within the

properties. The identified premises manager lived in the local area and was responsible for the day to day running and sale of alcohol at the premises.

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

7.3 Ref: HC/RSL/2024

Applicant: Nevis Range Development Company Limited

Premises: New Build Hotel Development, Nevis Range, Torlundy, Fort William, PH33 6SQ

Type: On and Off sales

There had been circulated Report No HLB/084/22 by the Clerk which invited the Board to determine the application.

The Board **AGREED** to **GRANT** the application for a provisional licence subject to the mandatory conditions, local conditions (b), (c), and (k), and the following special conditions:

1. On any occasion the premises are permitted to remain open after 0100 hrs a person who is the holder of a Scottish Personal Licence is required to be supervising the premises until they close;
2. On any occasion the premises are permitted to remain open after 0100 hrs a person who is the holder of a current First Aid Qualification is required to be on the premises until they close.

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/1862

Applicant: The Highland Fling Ltd

Premises: The Highland Fling, Station Road, Kyle of Lochalsh, IV40 8AE

Type: On and Off sales

There had been circulated Report No HLB/085/22 by the Clerk which advised that timeous notices of representations had been received from Planning and Building Standards and a timeous notice of objection received from Gareth Cotton. The Board was invited the Board to determine the application.

Ms K Chisholm, applicant, advised that she had no knowledge of the incidents of noise and public disorder referred to in the objection. The applicants had been in close contact with the Police Scotland and Licensing Standards Officer and were mindful not to disturb the patrons of the neighbouring hotel and residents of the adjacent flats. Police Scotland had recorded one anonymous complaint in relation to the premises and this had resulted in no crime being reported. There were a range of measures in place to minimise any noise disturbance, including regular patrols outside the premises. There was no provision for an outdoor drinking area at the premises.

In response to questions, the Depute Clerk advised that the representations from Planning and Building Standards related to matters separate to the licensing application. The noise impact assessment formed part of the planning application for the premises and did not relate to the licensing application. Environmental Health had been consulted and had made no comment on the licensing application.

Mr G Cotton, objector welcomed the proposal to extend the trading hours at the premises had been withdrawn from the application. However, he remained concerned at the noise and nuisance generated by the premises and its direct impact on his hotel business and guests and local residents. There was a need for further mitigation to minimise and control noise and disturbance at the premises, both inside and outside the venue.

The Licensing Standards Officer advised that he and Police Scotland had worked closely with the applicant who had complied with all requests in respect of the operation of the premises.

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

9. Application for personal licence Iarrtas airson ceadachd phearsanta

9.1 Applicant: Andrew Cook

There had been circulated Report No HLB/086/22 by the Clerk which advised that Police Scotland had submitted a timeous written submission in relation to the application, a copy of which was appended to the report.

Inspector G Brown referred to the terms of Police Scotland's representation in relation to the application.

Thereafter, Mr Andrew Cook, applicant spoke in support of his application.

Following discussion, the Board **AGREED** to **REFUSE** the application for a person licence [REDACTED]

Separately [REDACTED] the Board were satisfied that Mr Cook was not a fit and proper person to be the holder of a personal licence.

The meeting closed at 1.50pm.
