

The Highland Licensing Board

Meeting – 28 March 2023

Agenda Item	6
Report No	HLB/023/23

The Licensing (Scotland) Act 2005, Section 37

Premises licence review proposals – Non-payment of annual premises licence fee 2022/23

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 2022 to 30 September 2023.

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 2022 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/Licensing Team.

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: 15 March 2023

Author: Clerk to the Licensing Board

Background Papers: Licensing (Scotland) Act 2005

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

Appendix 1

Reference	Premises	Licence holder	Ground of review
HC/RSL/1081	Spean Bridge Hotel Spear Bridge PH34 4ES	Spean Bridge Hotel Limited	Non payment of annual fee
HC/INBS/226	Al Raj Restaurant 25-27 Harbour Street Nairn IV12 4NX	Ali Moshahid	Non payment of annual fee
HC/INBS/553	MacDonald Spey Valley Golf Club Dalfaber Village Dalfaber Drive Aviemore PH22 1ST	MacDonald Resorts Ltd	Non payment of annual fee
HC/INBS/538	Fort George Visitor Centre Ardersier IV2 7TD	Historic Environmental Scotland Enterprises Ltd	Non payment of annual fee
HC/INBS/71	Star Hotel High Street Kingussie PH21 1HR	MacMillan Leisure Ltd	Non payment of annual fee
HC/INBS/335	Bay Leaf Spice 47 High Street Grantown-on-Spey PH26 3EG	Hasna Khanom	Non payment of annual fee
HC/INBS/414	Crown Court Hotel 4-5 Clifton Road Lossiemouth IV31 6DJ	Ali & Mac Properties	Non payment of annual fee
HC/INBS/504	The Wee Highland Deli 114 Academy Street Inverness IV1 1LX	Dascan Raof Mohammed	Non payment of annual fee
HC/CSR/0722	Commercial Inn Main Street Balintore	George Skinner	Non payment of annual fee
HC/CSR/0845	Tongue Stores and Post Office Main Street Tongue	Jean Smart	Non payment of annual fee

HC/CSR/0292	Costcutter Main Street North Kessock	Christopher Sammons	Non payment of annual fee
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