

The Highland Licensing Board

Meeting – 9 May 2023

Agenda Item	6
Report No	HLB/043/23

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 28 March 2023 in respect of those premises for which the annual premises licence fee for the year 2022/23 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.

	Reference	Premises	Licence holder
1.	HC/INBS/226	Al Raj Restaurant 25-27 Harbour Street Nairn IV12 4NX	Ali Moshahid
2.	HC/INBS/335	Bay Leaf Spice 47 High Street Grantown-on-Spey PH26 3EG	Hasna Khanom
3.	HC/INBS/414	Crown Court Hotel 25 Southside Road Inverness IV2 3BG	Ali & Mac Properties
4.	HC/INBS/504	The Wee Highland Deli 114 Academy Street Inverness IV1 1LX	Dascan Raof Mohammed

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 2022.
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.
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 Appendices 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: 25 April 2023

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: Al Raj Restaurant, 25-27 Harbour Street, Nairn, IV12 4NX

1.0 Licensing History:

1.1 Ali Moshahid is the holder of the premises licence HC/INBS/0226 for the premises known as Al Raj Restaurant. The premises is a ground floor restaurant accommodated within a mixed commercial and residential building.

The premises offer sit in meals in the restaurant where a range of wine/beers/spirits and liqueurs are offered ancillary to meals. The premises also operate a take away service, with separate counter and fixed seating for customers waiting to pick up meals.

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 £220.50 due on 1 October 2022 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 2023, 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 24 April 2023 informing the premises licence holder of the proposed review hearing was sent by 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/0226

Date: 25 April 2023

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: 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 £220.50 due on 1 October 2022 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 2023, 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 24 April 2023 informing the premises licence holder of the proposed review hearing was sent by 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: 25 April 2023

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: Crown Court Hotel, 25 Southside Road, Inverness, IV2 3BG

1.0 Licensing History:

- 1.1 Ali & Mac Properties is the holder of the premises licence HC/INBS/0414. The premises is situated in the heart of Inverness in a mainly residential area and operates as a hotel with 10 letting bedrooms over two floors.
- 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 £394.20 due on 1 October 2022 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 2023, 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 24 April 2023 informing the premises licence holder of the proposed review hearing was sent by 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/0414

Date: 25 April 2023

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: The Wee Highland Deli, 114 Academy Street, Inverness, IV1 1LX

1.0 Licensing History:

1.1 Dascan Raof Mohammed is the holder of the premises licence HC/INBS/0504.

The premises are located on the ground floor of a 2 storey tenement building in the city centre. The shop offers a wide selection of products and services which include newspapers, magazines, off-sales, groceries, stationery and cards.

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 £172.80 due on 1 October 2022 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 2023, 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 24 April 2023 informing the premises licence holder of the proposed review hearing was sent by 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/0504

Date: 25 April 2023

Author: Ian Cox/Julie Traynor

Background Papers: The Licensing (Scotland) Act 2005