

### HIGHLAND LICENSING BOARD

Minute of the meeting of the **Highland Licensing Board** held in the Council Chamber, Council Headquarters, Glenurquhart Road, Inverness on Tuesday 9 May 2023 at 2.45pm.

#### **Present:**

Mr C Birt, Mr J Bruce, Mr J Grafton, Ms J Hendry, Mr S Kennedy, Ms E Knox, Mr D Macpherson, Mr D Millar, Mr P Oldham.

#### **In Attendance:**

Ms C McArthur Clerk to the Board  
Mr I Meredith, Depute Clerk to the Board  
Mr G Somers, Solicitor  
Mr I Cox, Licensing Standards Officer  
Mr G Cameron, Licensing Standards Officer  
Mr E MacKinnon, Licensing Standards Officer  
Ms A Macrae, Senior Committee Officer

#### **Also In Attendance:**

G Brown, Police Scotland

Item 7.2: Sharon Martin (applicant)

Item 7.4: Adam Brown and Leonna Smith (applicants)

Item 7.5: James Macdougall, Donnie Mathieson (applicants) and Andrew Hunter (agent)

Item 8.2: Lavina Turner, (applicant)

Item 8.3: Fiona Corran.(applicant)

Item 8.4: Martin Smith (agent)

Item 8.5: Lynn Simpson (agent)

Item 8.6: Innes Macdonald (premises manager)

Item 9.1: Alan Harrison (applicant)

### **Briefing on Protocol for Webcasting of Meetings**

The Vice 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**

There were no apologies for absence.

#### **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 28 March 2023.

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/001/23** detailing licences which had been granted under delegated powers by the Clerk to the Board during the period 16 March to 26 April 2023 and inviting the Board to note the Report.

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/002/23 detailing Occasional Licences and Extended Hours applications which had been granted under delegated powers by the Clerk to the Board during the period 16 March to 26 April 2023 and inviting the Board to note the Report.

The Board **NOTED** the report.

**6. Review hearings – non payment of annual premises licence fees  
Moladh ath-sgrùdaidh – neo-phàigheadh chisean ceadachd togalaich  
bliadhna**

There had been circulated **Report No HLB/043/23** by the Clerk inviting the Board to hold premises licence review hearings in respect of each of the premises listed in the report, further to the review proposals made by the Board on 28 March 2023.

Following discussion, the Board **NOTED** that the Bay Leaf Spice Ltd, Grantown on Spey and Crown Court Hotel, Inverness had now paid their annual fee, and that the premises licence in respect of the Al Raj Restaurant, Nairn had been surrendered.

Thereafter, the Board **AGREED** to **REVOKE** the premises licences for the following premises:

- The Wee Highland Deli, 114 Academy Street, Inverness

under section 39 of the Licensing (Scotland) Act 2005 on the grounds of nonpayment of their annual premises licence fees.

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

**7.1 Ref: HC/RSL/2048**

**Applicant:** The Hungry Gull Ltd

**Premises:** The Hungry Gull, Staffin Community Hall, Staffin, Isle of Skye, IV51 9JS

**Type:** On and off sales

There had been circulated **Report No HLB/044/23** 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 condition (m).

**7.2 Ref: HC/CSR/1989**

**Applicant:** Invercassley Tearooms Ltd

**Premises:** Invercassley Tearooms Ltd, Invercassley Farm, by Lairg, IV27 4BD

**Type:** On and off sales

There had been circulated **Report No HLB/045/23** 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 (m) and (o).

**7.3 Ref: HC/CSR/2050**

**Applicant:** Jason Wilson and Julia Wilson

**Premises:** An Cala Café, Lochinver Mission, Culag Park, Lochinver, IV27 4LE

**Type:** On sales

There had been circulated **Report No HLB/046/23** 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 (l), (m) and (o).

**7.4 Ref: HC/CSR/2049**

**Applicant:** Adam Brown and Leonna Smith

**Premises:** John O'Groats Guest House, John O'Groats

**Type:** On sales

There had been circulated **Report No HLB/047/23** 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 condition (m).

#### **7.5 Ref: HC/CSR/2031**

**Applicant:** Lodge Averon 866

**Premises:** Lodge Averon 866, Masonic Hall, Dalmore Road, Alness

**Type:** On sales

There had been circulated **Report No HLB/048/23** 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 condition (m).

#### **7.6 Ref: HC/RSL/2053**

**Applicant:** Ravenswood House Ltd

**Premises:** Ravenswood House, Ravenswood, Corpach, Fort William, PH33 7JJ

**Type:** On sales

There had been circulated **Report No HLB/049/23** by the Clerk which invited the Board to determine the application.

It was confirmed that a response had now been received from the Scottish Fire and Rescue Service who had confirmed they had no objections to the application.

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

#### **7.7 Ref: HC/RSL/2052**

**Applicant:** Duncan and Manja Gibson t/a DMG Catering Glenfinnan

**Premises:** Glenfinnan Station Dining Car, Glenfinnan Railway Station, Glenfinnan, PH37 4LT

**Type:** On and off sales

There had been circulated **Report No HLB/050/23** 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 only.

#### **7.8 Ref: HC/RSL/2051**

**Applicant:** Karen Dean

**Premises:** Lochview House, Heathercroft Road, Fort William, PH33 6EZ

**Type:** On sales

There had been circulated **Report No HLB/051/23** by the Clerk which invited the Board to determine the application.

The Depute Clerk advised that the applicant had supplied the further information requested to Building Standards and there were no outstanding issues in respect of the application.

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

## 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/399

**Applicant:** Rosemount Estates Ltd, 5 Fitzroy Place, Glasgow, G3 7RH

**Premises:** The Imperial, 1 Academy Street, Inverness, IV1 1JN

**Type:** On and off sales

There had been circulated **Report No HLB/052/23** by the Clerk which invited the Board to determine the application.

The Board **AGREED** to **GRANT** the application for a major variation subject to the mandatory conditions, existing local conditions and additional local condition (e).

### 8.2 Ref: HC/INBS/512

**Applicant:** Aldourie Castle Ltd, c/o Saffrey Champness, Edinburgh Quay, 133 Fountainbridge, Edinburgh, EH3 9BH

**Premises:** Aldourie Castle, Dores, Inverness, IV2 6EL

**Type:** On sales

There had been circulated **Report No HLB/053/23** by the Clerk which invited the Board to determine the application.

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

### 8.3 Ref: HC/INBS/165

**Applicant:** Glen Mhor Ltd, 21 St Thomas Street, Bristol, BS1 6JS per Stronachs LLP, 28 Albyn Place, Aberdeen, AB10 1YL

**Premises:** Glen Mhor Hotel, 8-15 Ness Bank, Inverness, IV2 4SG

**Type:** On and off sales

There had been circulated **Report No HLB/054/23** by the Clerk which invited the Board to determine the application.

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

### 8.4 Ref: HC/INBS/54

**Applicant:** Julie Cheng Limited, 9 Royal Crescent, Glasgow, G3 7SP per South Forrest, 8 Ardross Terrace, Inverness, IV3 5NW

**Premises:** Pepperoni Speciale, 18 Tomnahurich Street, Inverness, IV3 5DD

**Type:** On and off sales

There had been circulated **Report No HLB/055/23** by the Clerk which invited the Board to determine the application.

The Board **AGREED** to **GRANT** the application for a major variation subject to the mandatory conditions, the existing local conditions together with the removal of local condition (x).

**8.5 Ref: HCRSL/0783**

**Applicant:** C J Lang and Son Limited per TLT Solicitors, 41 West Campbell Street, Glasgow, G2 6SE

**Premises:** Balmacara Stores, Reraig, Balmacara, IV40 8DH

**Type:** Off sales

There had been circulated **Report No HLB/056/23** by the Clerk which invited the Board to determine the application.

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

**8.6 Ref: HC/CSR/0940**

**Applicant:** Angus Mackenzie and Valerie Mackenzie

**Premises:** The Anchorage, Harbour Road, Scourie, IV27 4TE

**Type:** On and off sales

There had been circulated **Report No HLB/057/23** by the Clerk which invited the Board to determine the application.

The Board **AGREED** to **GRANT** the application for a major variation subject to the mandatory conditions and additional local conditions (l), (m), (n)(i) and (o).

**9. Gambling Act 2005**

**Achd na Cearrachd 2005**

**Application for variation of gambling machine permit**

**9.1 Premises:** The King's Highway, 72-74 Church Street, Inverness, IV1 1EN

**Licence Holder:** JD Wetherspoon (Scot) Ltd, PO Box 616, Watford, WD24 4QU

There had been circulated **Report No HLB/058/23** by the Clerk which invited the Board to determine the application.

In response to questions, the Depute Clerk advised that approval of the application would not set a precedent, all applications being considered on their individual merits against the terms of the Council's policy and the Gambling Act 2005.

In discussion, concern was expressed the use of gaming machines could lead to social issues including addiction, and while the application was within policy, the Board should consider measures to control the number of machines.

The Clerk advised there was limited grounds on which the Board could refuse an application of this nature in terms of the Council's policy and the legislation.

However, there would be an opportunity to consider these concerns when the Council's policy was next due for renewal.

The Board **AGREED** to **GRANT** the application for the variation of a licensed premises gaming machine permit to allow 5 category C gaming machines at the premises.

**10. Surrender of premises licence**  
**Gèilleadh ceadachd togalaich**

**10.1 Premises:** Pinemarten Cafe, Nevis Range, Fort William, PH33 6SQ

**Licence Holder:** Nevis Range Development Company Limited

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

The meeting closed at 3.00pm.

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