

HIGHLAND LICENSING BOARD

Minute of the meeting of the **Highland Licensing Board** held in the Council Chamber, Council Headquarters, Glenurquhart Road, Inverness on Tuesday 20 June 2023 at 1.20pm.

Present:

Mr C Birt, Mr J Bruce, Mr J Grafton, Ms J Hendry, Mr S Kennedy, Mr D Macpherson, Mr D Millar (items 11.3 to 13.1), Mr P Oldham.

In Attendance:

Mr I Meredith, Depute Clerk to the Board
Mr G Somers, Solicitor
Mr G Cameron, Licensing Standards Officer
Mr E MacKinnon, Licensing Standards Officer
Ms A Macrae, Senior Committee Officer
Mrs O Marsh, Committee Officer

Also In Attendance:

Sergeant Paterson, Police Scotland

Item 9.1: Martin Sutherland (applicant's representative)

Item 10.1: Martin Donnelly (applicant)

Item 10.2: Alistair Shand (applicant)

Item 11.1: Lewis Barn (applicant's agent)

Item 11.3: Alistair Macdonald (applicant's agent)

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 Ms E Knox 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 9 May 2023.

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

4. Highland Licensing Board Policy Statement 2023-2028 Aithris Poileasaidh Bòrd Ceadachd na Gàidhealtachd 2023-2028

There had been circulated Report No HLB/59/23 by the Clerk inviting the Board to agree the terms of a draft policy statement 2023-2028 to be published for consultation.

Dr E Smart, Consultant in Public Health, NHS Highland, gave a presentation on developing an alcohol overprovision statement and she outlined the four recommended options set out in Appendix 3 of the report to go out to public consultation as part of the wider policy consultation.

In discussion, the following main points were raised:-

- in relation to overprovision it should be borne in mind that alcohol could also be purchased online;
- further clarity was sought and provided that a national report was to be published on 26 June 2023 on the impact of alcohol minimum pricing across Scotland;
- an explanation was sought and provided that it was considered there were more alcohol related problems arising from off-sales on the basis the consumption of alcohol in on-sales premises was more regulated;
- consideration be given to amending the draft policy to allow licensed premises to open at 1000 hours for football matches where there was an early kick off time having regard to the five licensing objectives and on the basis this would ensure fans were in a controlled environment supervised by responsible licensees and stewards. It was noted that Police Scotland would have the opportunity to comment on any such amendment as part of the public consultation on the draft policy; and
- further clarity was sought and provided that in terms of the current overprovision policy, there was a presumption that applications for off-sales with a display capacity of over 40m² would be refused unless the Board considered there was a good reason to overturn this presumption. The current overprovision policy and the evidenced based options recommended by NHS Highland in the draft policy for public consultation did not relate to on-sales.

The Board **AGREED** to publish the draft policy document for public consultation with the following amendment:

- That the presumption against allowing early opening before 1100 hours for football matches be amended to 1000 hours.

5. The Highland Licensing Board Annual Financial Report 2022-23 Aithisg Ionmhasail Bhliadhnail Bòrd Ceadachd na Gàidhealtachd 2022/23

There had been circulated Report No HLB/60/23 by the Clerk inviting the Board to approve the Board's seventh annual Financial Report for publication in accordance with Section 9B of the Licensing (Scotland) Act 2005.

In discussion, it was highlighted that the Board sought only to cover its costs in terms of fixing its discretionary fees and it was not proposed to increase those fees at the present time.

The Board **NOTED** the annual financial report

**6. The Highland Licensing Board Annual Functions Report 2022-23
Aithisg Dhreuchdan Bhliadhna Bòrd Ceadachd na Gàidhealtachd 2022**

There had been circulated Report No HLB/61/23 by the Clerk inviting the Board to approve the Board's sixth annual Functions Report for publication in accordance with section 9A of the Licensing (Scotland) Act 2005.

The Board **NOTED** the Board's sixth annual Functions Report for publication in accordance with section 9A of the Licensing (Scotland) Act 2005.

**7. 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/62/23 detailing Licences which had been granted under delegated powers by the Clerk to the Board during the period 27 April 2023 to 7 June 2023.

The Board **NOTED** the Report.

**8. 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/63/23 detailing Occasional Licences and Extended Hours Applications which had been granted under delegated powers by the Clerk to the Board during the period 27 April to 7 June 2023.

The Board **NOTED** the Report.

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

9.1 Ref: HC/RSL/2055

Applicant: Roskhill Skye Ltd, Roskhill House, Roskhill, Nr Dunvegan, Isle of Skye, IV55 8ZD

Premises: Roskhill House, Roskhill, Nr Dunvegan, Isle of Skye, IV55 8ZD

Type: On sales

There had been circulated Report No HLB/064/23 by the Clerk which invited the Board to determine the application.

The Board **AGREED** to **GRANT** the application subject to the mandatory conditions only.

9.2 Ref: HC/CSR/2059

Applicant: William and Linda Cowie t/a Meikle Ferry Station

Premises: Meikle Ferry Station, Meikle Ferry, Tain

Type: On and off sales

There had been circulated Report No HLB/065/23 by the Clerk which invited the Board to determine the application.

The Board **AGREED** to **GRANT** the application subject to the mandatory conditions and local conditions (m) and (o).

9.3 Ref: HC/RSL/2054

Applicant: Eigg Brewery Limited

Premises: The Isle of Eigg Brewery, The Isle of Eigg, PH42 4RL

Type: On and off sales

There had been circulated Report No HLB/066/23 by the Clerk which invited the Board to determine the application.

The Board **AGREED** to **GRANT** the application subject to the mandatory conditions only.

10. Licensing (Scotland) Act 2005

Applications for provisional premises licences

Achd Ceadachd (Alba) 2005

Iarrtas airson ceadachdan thogalaichean le cumha

10.1 Ref: HC/CSR/2060

Applicant: Martin Donnelly Morag Barton t/a Aultbea Hotel

Premises: Aultbea Hotel, Aultbea, Achnasheen

Type: On and off sales

There had been circulated Report No HLB/068/23 by the Clerk which invited the Board to determine the application.

The Board **AGREED** to **GRANT** the application subject to the mandatory conditions and local conditions (m) and (o).

10.2 Ref: HC/CSR/2061

Applicant: AMS Valhalla Ltd

Premises: Valhalla, 134 High Street, Wick

Type: On sales

There had been circulated Report No HLB/069/23 by the Clerk which invited the Board to determine the application.

The Board **AGREED** to **GRANT** the application subject to the mandatory conditions, local conditions (k), (m), and (o), and the following special conditions:

1. A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 0100 hrs (on any day when the premises are open at that time) until whichever is the earlier of-
 - (a) the time at which the premises next close; and
 - (b) 0500 hrs.
2. A designated person who is the holder of a personal licence must be present on the premises from 0100 hrs (on any day when the premises are open at 0100 hrs) until whichever is the earlier of:-
 - (a) the time at which the premises next close, and
 - (b) 0500 hrs

11. Licensing (Scotland) Act 2005
Applications for variation (major) to premises licences
Achd Ceadachd (Alba) 2005
Iarrtasan airson Caochladh (Mòr) a thaobh ceadachdan thogalaichean

11.1 Ref: HC/INBS/350

Applicant: Britannia Hotels Ltd, 253 Hale Road, Hale, Cheshire, WA15 8RE

Premises: Coylumbridge Hotel, Coylumbridge, Aviemore, PH22 1QH

Type: on and off sales

There had been circulated Report No HLB/070/23 by the Clerk which invited the Board to determine the application.

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

11.2 Ref: HC/INBS/276

Applicant: Earnpark Ltd, 4 Knockbain, Kirkhill, IV5 7PL

Premises: Hootananny, 67 Church Street, Inverness, IV1 1DR

Type: on and off sales

There had been circulated Report No HLB/071/23 by the Clerk which invited the Board to determine the application.

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

11.3 Ref: HC/CSR/0843

Applicant: Dornoch Castle Hotel Ltd, Castle Street, Dornoch, IV25 3SD

Premises: Dornoch Castle Hotel, Castle Street, Dornoch, IV25 3SD

Type: On and off sales

There had been circulated Report No HLB/072/23 by the Clerk which invited the Board to determine the application.

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

11.4 Ref: HC/CSR/1005

Applicant: Mary Clare McGale

Premises: Carron Restaurant, Strathcarron

Type: On and off sales

There had been circulated Report No HLB/073/23 by the Clerk which invited the Board to determine the application.

The Board **AGREED** to **GRANT** the application for a variation of the premises licence subject to the mandatory conditions, local conditions (m) and (o), and any other existing conditions subject to the removal of the below special condition:

- In respect of the extended part of the premises referred to as the coffee lounge, this varied licence shall not take effect and members of the public shall not be permitted into the coffee lounge until any notice of the grant of a completion certificate required to be issued by Highland Council Building Standards has been submitted to Highland Licensing Board.

11.5 Ref: HC/CSR/1580

Applicant: Torridon District Community Association

Premises: Loch Torridon Community Centre, Torridon

Type: On and off sales

There had been circulated Report No HLB/073/23 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 (o).

**12. Application for personal licence
larrtas airson ceadachd phearsanta**

12.1 Applicant: David Meiklejohn

There had been circulated Report No HLB/074/23 by the Clerk.

The Clerk advised that the applicant had confirmed he would not be attending the meeting and had not provided a written submission in support of his application.

Thereafter, the Board heard from Police Scotland [REDACTED]

[REDACTED]

Thereafter, the Board **AGREED** to **REFUSE** the application for a personal licence on the grounds [REDACTED] the applicant is not a fit and proper person, [REDACTED]

13. Surrender of premises licence
Gèilleadh ceadachd togalaich

13.1 Premises: Al Raj Restaurant, 25-27 Harbour Street, Nairn, IV12 4NX
Licence Holder: Ali Moshahid

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

The meeting closed at 2.55pm.
