

HIGHLAND LICENSING BOARD

Minute of the meeting of the **Highland Licensing Board** held in the Council Chamber, Council Headquarters, Glenurquhart Road, Inverness on Tuesday 24 October 2023 at 3.40pm.

Present:

Mr J Bruce (except item 6), Mr J Grafton, Mrs J Hendry (Convener), Mr S Kennedy, Ms E Knox (remote), Mr D Millar, Mr P Oldham, Mr K Rosie (remote).

In Attendance:

Mr I Meredith, Clerk to the Board
Mr G Somers, Solicitor
Ms M Duffy, Solicitor
Ms A Macrae, Senior Committee Officer
Mrs G MacPherson, Committee Officer
Miss R Ross, Committee Officer

Also In Attendance:

Sergeant Paterson, Police Scotland

Item 7.2: Janet Hood (applicant's representative) (remote)

Item 7.3: Kirsty Seymour (applicant)

Item 8.1: Janet Hood (applicant representative) (remote)

Item 9.5: Scott Christie (applicant) David Hossack (solicitor) (both remote)

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 Mr C Birt and Mr D Macpherson.

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 5 September 2023.

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/108/23** by which detailed all Licences which had been granted under delegated powers to the Clerk during the period 24 August 2023 to 11 October 2023.

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/109/23** detailing Occasional Licences and Extended Hours Applications which had been granted under delegated powers by the Clerk to the Board during the period 24 August 2023 to 11 October 2023.

The Board **APPROVED** the Report.

6. **Highland Licensing Board Policy Statement 2023-2028**
Aithris Phoileasaidh Bòrd Ceadachd na Gàidhealtachd 2023-2028

There had been circulated **Report No HLB/110/23** by the Clerk.

The Board were asked to consider the proposed NHS Options relating to the overprovision assessment as set out in Appendix 1 to the report and discussion followed on whether to retain or amend the current overprovision policy.

Sergeant Paterson advised that Police Scotland supported NHS Highland Option 2 to the effect that no more off-sales licences are agreed where the sales display capacity is 30 square metres. Based on the evidence, this option was considered to be a further step to mitigate against alcohol related health harm in the Highlands.

Following discussion, Mr P Oldham seconded by Mr S Kennedy, **MOVED** to retain the Board's current policy on overprovision as set out in NHS Option 1, on the basis that the evidence did not show it was necessary or effective to adopt one of the other options proposed by NHS Highland.

As an **AMENDMENT**, Mrs J Hendry seconded by Mr J Grafton, moved to adopt NHS Option 2 as the Board's overprovision policy on the basis of the evidence provided by NHS Highland and Police Scotland.

On a vote being taken, the **MOTION** received 2 votes and the **AMENDMENT** received 4 votes, with no abstentions. The **AMENDMENT** was therefore **CARRIED**, the votes having been cast as follows:

For the Motion:

Mr S Kennedy, Mr P Oldham

For the Amendment:

Mr J Grafton, Mrs J Hendry, Ms E Knox, Mr J Rosie.

Discussion followed on early opening hours, specifically for televised Sunday football matches commencing at Noon. There were reported incidents of fans buying alcohol from supermarkets then drinking in public places. If licensed premises were able to open earlier, they would offer a controlled, managed, and supervised environment that supported the licensing objectives.

The Clerk advised that the draft Policy Statement created a presumption in favour of allowing licensed premises to open at 10.00am on the day of a football match. However, this did not mean that each application made for early opening would be granted. Premises could also apply for a major variation to extend their early morning hours.

It was noted that early opening had recently been granted for a football match in Dingwall and Sergeant Paterson and the Licensing Standards Officer confirmed that there had been no adverse issues arising.

Decision

The Board **AGREED** the terms of the draft Policy Statement 2023-2028 subject to the adoption of NHS Highland Option 2 on overprovision as part of the Policy Statement.

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

7.1 Ref: HC/INBS/692

Applicant: Joanna Marie Riddell, Blaeberry House, 11 Ardross Street, Inverness, IV3 5NS

Premises: Blaeberry House, 11 Ardross Street, Inverness, IV3 5NS

Type: on sales

There had been circulated **Report No HLB/111/23** 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 only.

7.2 Ref: HC/CSR/2082

Applicant: Alexandra Thomson, Aiden B&B, 5 Balvoolich, Durness, Lairg, IV27 4PW

Premises: Aiden B&B, 5 Balvoolich, Durness, Lairg, IV27 4PW

Type: On sales

There had been circulated **Report No HLB/112/23** 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 the following special condition:

- Any alcohol sold on the premises is to be consumed on the premises only by guests being accommodated there.

7.3 Ref: HC/CSR/2084

Applicant: Acarsaid B&B

Premises: Acarsaid B&B, Lybster Mains, Lybster

Type: On and Off Sales

There had been circulated **Report No HLB/113/23** 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 condition (m).

8. Licensing (Scotland) Act 2005
Applications for provisional premises licences
Achd Ceadachd (Alba) 2005
Iarrtas airson ceadachdan thogalaichean le cumha

8.1 Ref: HC/RSL/2081

Applicant: MC Well Services Ltd per Gilson Gray LLP

Premises: Hazelbank, 5 Upper Colbost, Dunvegan, Isle of Skye, IV5 8ZT

Type: On and off sales

There had been circulated **Report No HLB/114/23** 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 only.

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

9.1 Ref: HC/INBS/276

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

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

Type: on and off sales

There had been circulated **Report No HLB/115/23** by the Clerk which invited the Board to determine the application.

The Board **AGREED** to **GRANT** the major variation of the premises licence, subject to the existing conditions.

9.2 Ref: HC/INBS/477

Applicant: Cnoc Hotel Ltd, 12 Bexley Lane, Bexley, DA5 2BN

Premises: Cnoc Hotel, Struy, Inverness-shire, IV4 7JU

Type: on and off sales

There had been circulated **Report No HLB/116/23** by the Clerk which invited the Board to determine the application.

The Board **AGREED** to **GRANT** the major variation of the premises licence, subject to the existing conditions.

9.3 Ref: HC/INBS/395

Applicant: Ness Castle Lodges Ltd, Oldtown of Leys Farm, Culduthel, Inverness, IV2 6AE per Harper MacLeod LLP, 45 Gordon Street, Glasgow, G1 3PE

Premises: Ness Castle Lodges, Dores Road, Inverness, IV2 6DH

Type: on and off sales

There had been circulated **Report No HLB/117/23** by the Clerk which invited the Board to determine the application.

The Board **AGREED** to **GRANT** the major variation of the premises licence, subject to the existing conditions.

9.4 Ref: HC/INBS/219

Applicant: Scottish Sports Council Trust Company Ltd, Caledonian House, South Gyle, Edinburgh, EH12 9DQ

Premises: Glenmore Lodge, Aviemore, PH22 1QU

Type: On sales

There had been circulated **Report No HLB/118/23** by the Clerk which invited the Board to determine the application.

The Board **AGREED** to **GRANT** the major variation of the premises licence, subject to the existing conditions.

9.5 Ref: HC/CSR/0706

Applicant: Diageo Scotland Limited per Morton Fraser LLP, Quartermile Two, 2 Lister Square, Edinburgh, EH3 9GL

Premises: The Singleton of Glen Ord Distillery Visitor Centre, Muir of Ord

Type: On and Off sales

There had been circulated **Report No HLB/119/23** by the Clerk which invited the Board to determine the application.

The Board **AGREED** to **GRANT** the major variation of the premises licence, subject to the existing conditions.

9.6 Ref: HC/CSR/1483

Applicant: Invergordon Social Club Ltd per Stronachs LLP, 28 Albyn Place, Aberdeen, AB10 1YL

Premises: Invergordon Social and Recreational Club, Castle Road, Invergordon

Type: On sales

There had been circulated **Report No HLB/120/23** by the Clerk which invited the Board to determine the application.

The Board **AGREED** to **GRANT** the major variation of the premises licence, subject to the existing conditions and local condition (m).

9.7 Ref: HC/CSR/1003

Applicant: Peter L Harrison

Premises: Pool House, Poolewe, Achnasheen

Type: On sales

There had been circulated **Report No HLB/121/23** by the Clerk which invited the Board to determine the application.

The Board **AGREED** to **GRANT** the major variation of the premises licence, subject to the existing conditions and local condition (m).

10. Surrender of premises licence Gèilleadh ceadachd togalaich

10.1 Premises: The Steadings at the Grouse & Trout, Flichity, By Farr, Inverness, IV2 6XD

Licence Holder: Robert W Close

10.2 Premises: Fairburn Activity Centre, Marybank, Ross-shire IV6 7UT

Licence Holder: Fairburn Activity Centre Ltd.

10.3 Premises: The Silverfjord, Ruthven Road, Kingussie PH21 1ES

Licence Holder: Silverfjord Kingussie Ltd

10.4 Premises: Drumchork Lodge Hotel, Aultbea, IV22 2HU

Licence Holder: Loch Ewe Spirits Limited

10.5 Premises: Oscars Pub, Strathpeffer Road, Dingwall, IV15 9QF

Licence Holder: Martin D Keyes

10.6 Premises: Ormlie Lodge Club, The Cottage, Brownhill Road, Thurso, KW14 7NL

Licence Holder: Ormlie Lodge Club

10.7 Premises: Grantown East Highland Heritage and Cultural Centre, East Railway Station, Grantown on Spey PH26 3AD

Licence Holder: Grantown East Ltd.

10.8 Premises: Cairngorm Gliding Club, Blackmill Airstrip, Feshie Bridge
Inverness-Shire PH21 1NG

Licence Holder: Cairngorm Gliding Club

10.9 Premises: Crofters Restaurant, Main Street, Lairg, IV27 4DB
Lairg Caravan Park Limited

10.10 Premises: Cote Du Nord, c/o The Schoolhouse, Kirtomy, Bettyhill,
KW14 7TB

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

11. Festive Period Dates 2023/24

The Board **NOTED** the dates between which festive period hours under the Board's Policy Statement may be permitted in 2023/24 that had been granted under delegated powers.

The meeting closed at 4.45pm.
