

## **HIGHLAND LICENSING BOARD**

Minute of the meeting of the **Highland Licensing Board** held in the Council Chamber, Council Headquarters, Glenurquhart Road, Inverness on Tuesday 28 November 2023 at 3.00pm.

### **Present:**

Mr C Birt, Mr J Bruce, Mr J Grafton, Mrs J Hendry (Convener), Mr S Kennedy, Mr D Millar (remote), Mr P Oldham, Mr K Rosie (remote).

### **In Attendance:**

Mr I Meredith, Principal Solicitor, Clerk to the Board  
Mr G Somers, Solicitor  
Ms M Duffy, Solicitor  
Mr G Cameron, Licensing Standards Officer  
Mr I Cox, Licensing Standards Officer  
Mr E MacKinnon, Licensing Standards Officer  
Mrs G MacPherson, Committee Officer

### **Also In Attendance:**

Sergeant Paterson, Police Scotland

Item 6.1: Gordon Emslie, applicant's representative (remote)

Item 7.1: Janet Hood, applicant's representative

Item 7.2: Janet Hood, applicant's representative, L Rattray and S Caldwell (objectors)

Item 8.2: Janet Hood, applicant's representative

Item 8.3: Chris Watson, applicant (remote)

Item 8.4: Kenneth McKenzie, applicant (remote)

Item 8.5: Jon Simmonds, applicant (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 Ms E Knox and Mr D Macpherson.

#### **2. Declarations of Interest Foillseachaidhean Com-pàirt.**

Item 7.1: Mr S Kennedy

Item 7.3: Mr S Kennedy and Mr C Birt

Item 8.4: Mrs J Hendry

**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 24 October 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/122/23 by which detailed all Licences which had been granted under delegated powers to the Clerk during the period 12 October 2023 to 15 November 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/123/23 detailing Occasional Licences and Extended Hours Applications which had been granted under delegated powers by the Clerk to the Board during the period 12 October 2023 to 15 November 2023.

The Board **NOTED** the Report.

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

**6.1 Ref: HC/INBS/693**

**Applicant:** SRJ Convenience Limited, 199 Laburnum Road, Redcar, TS10 3RS per GNE Consultancy Ltd, 47 Wallace Brae Drive, Reddingmuirhead, Falkirk, FK2 0FB

**Premises:** Premier, 34 The Square, Grantown on Spey, PH26 3HF

**Type:** off sales

There had been circulated Report No HLB/124/23 by the Clerk.

The Clerk advised that since the application was made, the Board had adopted its new policy and in relation to overprovision the threshold for off-sales capacity had been reduced from 40m<sup>2</sup> to 30m<sup>2</sup>. This meant the applicant's request for an off-sales capacity of 32.718 m<sup>2</sup> no longer complied with policy.

Mr G Emslie on behalf of the applicant, confirmed that his clients were willing to reduce the off-sales capacity at the premises to 29.83m<sup>2</sup> to comply with the Board's policy.

Following discussion, Mr S Kennedy seconded by Mr J Bruce, **MOVED** to grant the application against policy on the basis that the application was made before the Board's policy had changed.

As an **AMENDMENT**, Mr Miller, seconded by Mr Oldham, **MOVED** to grant the application subject to the off-sales display area being no greater than 29.83m<sup>2</sup>.

On a vote being taken, the **MOTION** received 4 votes and the **AMENDMENT** received 4 votes, with no abstentions, the votes having been cast as follows:

**For the Motion:**

Mr C Birt, Mr J Bruce, Mr J Grafton, Mr S Kennedy

**For the Amendment:**

Mrs J Hendry, Mr D Millar, Mr P Oldham, Mr K Rosie

On there being an equality of votes, the Chair cast her second and determining vote in favour of the **AMENDMENT** which became the finding of the meeting.

**Decision**

The Board **AGREED** to **GRANT** the application for a new premises licence subject to the mandatory conditions and to the off-sales display area being no greater than 29.83m<sup>2</sup>.

**6.2 Ref: HC/INBS/694**

**Applicant:** Fazila Ajikumar, 11 Suilven Way, Inverness, IV3 8PE

**Premises:** Love Dosa, 6 Mealmarket Close, High Street, Inverness, IV1 1HS

**Type:** on and off sales

There had been circulated Report No HLB/125/23 by the Clerk.

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

**6.3 Ref: HC/RSL/2087**

**Applicant:** Igneous Gin Limited

**Premises:** Igneous Gin Limited, Shed on the Rocks, Achnaha, Kilchoan, PH36 4LW

**Type:** Off-Sales

There had been circulated Report No HLB/126/23 by the Clerk.

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

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

**7.1 Ref: HC/INBS/687**

**Applicant:** Melrose Villa Limited, 17 Fowler Terrace, Edinburgh, EH11 1DD

**Premises:** Melrose Villa, 35 Kenneth Street, Inverness, IV3 5DH

**Type:** on and off sales

**This item was continued from the Board meeting on 5 September 2023.**

**As Mr J Bruce was not present at the meeting on 5 September 2023, he was not entitled to participate in this item and took no part in the discussion or determination of this item.**

**Declaration of Interest: Mr S Kennedy declared an interest in this item on the grounds he'd had business dealings with some of the objectors in the past and he left the Chamber for the determination of this item.**

There had been circulated Report No HLB/127/23 by the Clerk.

The Clerk advised that the application had been deferred to allow the objectors to gain further advice regarding their objections and consider the terms of the application. He confirmed that while none of the objectors were in attendance, their objections had not been withdrawn.

The Board then heard from Janet Hood on behalf of the applicant, in support of the application.

During discussion, the following issues were raised:-

- information was sought and provided on the arrangements for pre-ordering and pre-payment of alcohol delivered to the premises. It was confirmed deliveries or tastings at the premises would be before 10pm;
- if potential disturbance in the garden area had been considered. It was confirmed that there would be no sales or service of alcohol outside and CCTV would be in place; and
- the original objections had been addressed and this type of licensed business was becoming more common as part of the hospitality market in the Highlands.

The Board **AGREED to GRANT** the application for a provisional premises licence subject to the mandatory conditions and the following special condition:

- that all on sales of alcohol would be carried out solely as part of a tutored tasting under the supervision of a Personal Licence Holder.

**7.2 Ref: HC/INBS/691**

**Applicant:** Luxury Short Let Stays Ltd, 17 Fowler Terrace, Edinburgh, EH11 1DD

**Premises:** Abermar Guest House, 25 Fairfield Road, Inverness, IV3 5QD

**Type:** On and off sales

There had been circulated Report No HLB/128/23 by the Clerk.

L Rattray and S Caldwell, objectors, expressed concern that the premises would attract party group events such as stag or hen nights and at the supervision arrangements for the premises given the applicants or staff would not be present on-site. There was no requirement for a licence given that guests could purchase alcohol from an off licence or licensed premises.

The Board heard from Janet Hood on behalf of the applicant, during which she provided an assurance that group party hen or stag nights would not be held at the premises. She also provided details on the arrangements for the supervision of the premises when occupied by visitors. Her clients were content for their head office contact details to be provided to neighbouring residents. The products her clients wished to offer were not generally available in off-sales or licensed premises.

Following discussion, the Board **AGREED** to **GRANT** the application for a provisional premises licence subject to the mandatory conditions and the following special condition:

- that all on sales of alcohol would be carried out solely as part of a tutored tasting under the supervision of a Personal Licence Holder.

### **7.3 Ref: HC/CSR/2089**

**Applicant:** Jane W Stewart

**Premises:** Unwined Café & Bar, The Square, Strathpeffer

**Type:** On and Off Sales

**Declarations of Interest: Mr S Kennedy declared interest in this item as the applicant was known to and had undertaken work for him, and Mr C Birt declared an interest as the applicant was his neighbour. Mr Kennedy and Mr Birt left the Chamber for the determination of this item.**

There had been circulated Report No HLB/129/23 by the Clerk.

The Board **AGREED** to **GRANT** the application for a provisional premises licence subject to the mandatory conditions and local condition (m).

## **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/685**

**Applicant:** Kirstin Hamilton, 9 Smiths Lane, Nairn, IV12 4DG

**Premises:** The Grapemonger, 106 High Street, Nairn, IV12 4DE

**Type:** on and off sales

There had been circulated Report No HLB/130/23 by the Clerk.

The Board **AGREED** to **GRANT** the major variation of the premises licence, subject to the mandatory conditions and the following special condition:

- Any glass disposal will not take place after 2200 hours or prior to 0800 hours.

**8.2 Ref: HC/INBS/592**

**Applicant:** Derek Sinclair, Distilleries General Manager, 10 Cromlet Park, Invergordon, IV18 0RN per Janet Hood, Kirkton of Balfour, Edzell, Angus, DD9 7XU

**Premises:** Balmenach Distillery, Cromdale, Grantown on Spey, PH26 3PF

**Type:** off sales

There had been circulated Report No HLB/131/23 by the Clerk.

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

**8.3 Ref: HC/RSL/1991**

**Applicant:** Blessed Skye Ltd t/a The House of Juniper

**Premises:** The House of Juniper, The Manse, Broadford, Isle of Skye, IV49 9AE

**Type:** on and off sales

There is circulated Report No HLB/132/23 by the Clerk.

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

**8.4 Ref: HC/CSR/1877**

**Applicant:** Kenneth McKenzie

**Premises:** Highland Farm Café, Mountgerald, Dingwall

**Type:** On and Off Sales

**Declaration of Interest:** Mrs J Hendry declared interest in this as she was a shareholder in Teclan Limited and had a connection to the applicant and she left the Chamber for the consideration of this item. Mr P Oldham took the Chair for this item.

There had been circulated Report No HLB/133/23 by the Clerk.

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

**8.5 Ref: HC/CSR/1202**

**Applicant:** The Bay Dunbeath Limited

**Premises:** The Bay Dunbeath, Dunbeath

**Type:** On and Off Sales

There had been circulated Report No HLB/134/23 by the Clerk.

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

**8.6 Ref: HC/RSL/1146**

**Applicant:** Inverlochy Castle Limited

**Premises:** Inverlochy Castle Hotel, Torlundy, Fort William, PH33 6SN

**Type:** On and Off Sales

There had been circulated Report No HLB/135/23 by the Clerk.

The Board **AGREED** to **GRANT** the major variation of the premises licence, subject to the mandatory conditions, existing local conditions, local condition (k), and the following late night conditions:

(1) First Aid must be present on the premises from 0100 hours (on any day when the premises are open at 0100 hours) until whichever is the earlier of:-

- (a) the time at which the premises next close; and
- (b) 0500 hours

(2) A designated person who is the holder of a personal licence must be present on the premises from 0100 hours (on any day when the premises are open at 0100 hours) until whichever is the earlier of:-

- (a) the time at which the premises next close; and
- (b) 0500 hours or such other time as the Licensing Board may specify.

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

**9.1 Premises:** Duncraig Castle Scotland Ltd, Duncraig Castle, Plockton, IV52 8TZ

**Licence Holder:** Duncraig Castle Scotland Ltd

**9.2 Premises:** Invergordon Social and Recreational Club – Hall, Castle Road, Invergordon

**Licence Holder:** Invergordon Social Club Ltd

**9.3 Premises:** Station Newsagents, Farraline Park, Inverness, IV1 1NH

**Licence Holder:** SRP Inverness Ltd

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

The meeting closed at 4.40pm.

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