

The Highland Licensing Board

Meeting – 26 March 2024

Agenda Item	6
Report No	HLB/23/24

The Licensing (Scotland) Act 2005, Section 37

Premises licence review proposals – Non-payment of annual premises licence fee 2023/24

Report by the Clerk to the Licensing Board

Summary

This report relates to the non-payment of annual premises licence fees for the period 1 October 2023 to 30 September 2024.

1.0 Background

1.1 In terms of the Licensing (Scotland) Act 2005, Schedule 3, mandatory condition 10, an annual premises fee must be paid in accordance with the regulations.

In terms of the Licensing (Fees) (Scotland) Regulations 2007 payment of the annual premises licence fee is due on 1 October each year.

1.2 An invoice in respect of the annual fee due on 1 October 2023 was issued to premises licence holders by the Licensing Board in accordance with the Regulations.

Two subsequent reminders have also been issued by the Council's Finance/Licensing Team.

Details of the premises licences in respect of which this fee has still not been paid are set out in **Appendix 1** to this report.

1.3 Breach of one or more of the conditions to which a premises licence is subject is a ground on which the premises licence may be reviewed in terms of section 36 of the Act.

1.4 In terms of section 37 of the Act, if a ground for review is alleged, the Board may make a premises licence review proposal. Once a review proposal is made the Board must then hold a review hearing under section 38 of the Act for the purposes of considering and determining the review proposal.

1.5 In terms of section 39 of the Act, at a review hearing in relation to any premises licence, the Board may, if satisfied that a ground for review is established, take any the following steps if the Board considers this necessary or appropriate for the purposes of any of the licensing objectives:

- issue a written warning to the licence holder,
- make a variation of the licence,
- suspend the licence for such period as the Board may determine,
- revoke the licence.

1.6 The premises licence holders listed in **Appendix 1** have been warned that their failure to pay the annual fee in accordance with mandatory condition 10 is a ground for review of their premises licences and have been advised of the possible consequences.

Recommendation

The Board is invited to make review proposals in respect of each of the premises licences listed in Appendix 1 with a view to holding review hearings at the Board's next meeting. The alleged ground of review is non-payment of annual fees in breach of mandatory condition 10 to which each premises licence is subject.

Date: 13 March 2024

Author: Clerk to the Licensing Board

Background Papers: Licensing (Scotland) Act 2005

Appendix 1: Details of premises for which annual fee remains outstanding

Appendix 1

Reference	Premises	Licence holder	Ground of review
HC/RSL/0452	Ice Factor Limited Leven Road Kinlochleven Lochaber PH50 4SF	The Ice Factor Ltd Ritsons 27 Huntly Street Inverness IV3 5PR	Non payment of annual fee
HC/INBS/267	Baron Taylor Close Baron Taylor Close 39 High Street Inverness IV1 1HT	Corrdon Limited Albion House 28 Ardconnel Terrace Inverness IV2 3AE	Non payment of annual fee
HC/INBS/368	Loch Ness Clansman Hotel Gift Shop Brackla Loch Ness Side Inverness-Shire IV3 8LA	Loch Ness Hotels Limited Fourth Floor Metropolitan House 31-33 High Street Inverness IV1 1HT	Non payment of annual fee
HC/INBS/562	Mack's Cocktail Bar and Grill 19 Leopold Street Nairn IV12 4BE	Harleys Cocktail and Grill Bar 2a Commerce Street Elgin IV30 1BS	Non payment of annual fee
HC/INBS/377	Nairn Dunbar Golf Club Lochloy Road Nairn IV12 5AE	Nairn Dunbar Golf Club Lochloy Road Nairn IV12 5AE	Non payment of annual fee
HC/INBS/662	Ness Mahal 64-66 Academy Street Inverness IV1 1LP	Tiger Tandoori Ltd 41A Montrose Avenue Auldearn IV12 5TT	Non payment of annual fee
HC/INBS/71	Star Hotel High Street Kingussie PH21 1HR	McMillan Leisure Limited Strathpeffer Hotel The Square Strathpeffer Ross-shire IV14 9DF	Non payment of annual fee
HC/CSR/0722	Commercial Inn Main Street Balintore IV20 1UE	George Skinner	Non payment of annual fee
HC/CSR/1784	Bear's Den Memorial Square Brora KW9 6NS	Margaret Sutherland	Non payment of annual fee

