

HIGHLAND LICENSING BOARD

Minute of the meeting of the **Highland Licensing Board** held in the Council Chamber, Council Headquarters, Glenurquhart Road, Inverness on Tuesday, 8 October 2024 at 10.00am.

Present:

Dr C Birt, Mr J Grafton, Mrs J Hendry (Convener), Mr S Kennedy, Ms E Knox, Mr P Oldham, Mr K Rosie

In Attendance:

Ms C McArthur, Principal Solicitor, Clerk to the Board
Mr I Meredith, Solicitor, Depute Clerk to the Board
Mr G Cameron, Licensing Standards Officer
Mr E MacKinnon, Licensing Standards Officer
Mr S Campbell, Licensing Standards Officer
Mrs G MacPherson, Committee Officer

Also In Attendance:

Sergeant Paterson, Police Scotland

Item 7.1: Cameron MacFarlane, manager of The Victorian Market, applicant

Item 8.1: Manickarajah Edmund Ranjith, applicant

Item 9.1: Stephen McGowan, applicant's solicitor

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 J Bruce, Mr D Macpherson and Mr D Millar.

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 3 September 2024.

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/93/24 detailing Licences which had been granted under delegated powers to the Clerk during the period 22 August 2024 to 25 September 2024.

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/94/24 detailing Occasional Licences and Extended Hours Applications which had been granted under delegated powers by the Clerk to the Board during the period 22 August 2024 to 25 September 2024.

The Board **NOTED** the Report.

6. Festive Period Dates 2024/2025

Members **AGREED** to **NOTE** the dates between which festive period hours under the Board's Policy Statement may be permitted in 2024/2025 have been granted under delegated powers as follows:

Description of premises	Terminal hour	Period which may be applied for
Late night opening premises (as defined in section 2.3 of the Board's Policy Statement 2023-2028)	04:00 hours	From Friday 6 December 2024 (allowing extensions to licensed hours commencing Thursday 5 December into Friday 6 December)
Other premises	02:00 hours	To Friday 3 January 2025 (allowing extensions to licensed hours commencing on Thursday 2 January into Friday 3 January only)

Premises would generally be granted the above extended hours on the following days within the festive period:

Thursdays, Fridays, Saturdays and Christmas Eve, Christmas Day, Boxing Day, Hogmanay and New Year's Day (irrespective of which days of the week these fall on).

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/704

Applicant: The Highland Council, The Victorian Market, Academy Street, Inverness, IV1 1JN

Premises: The Victorian Market, Academy Street, Inverness, IV1 1JN

Type: on and off sales

There had been circulated Report No HLB/95/24 by the Clerk.

The applicant spoke in support of the application. During a trial period, when the premises had held a temporary licence, the premises experienced new clientele, such as groups of people chatting over a glass of wine. It was hoped that this would progress in the future to further community events, such as weddings.

Members felt that The Victorian Market had been a huge success and they wished the applicant further success.

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

7.2 Ref: HC/INBS/705

Applicant: Nairn Bowling Club, Albert Street, Nairn, IV12 4HP

Premises: Nairn Bowling Club, Albert Street, Nairn, IV12 4HP

Type: On sales

There had been circulated Report No HLB/96/24 by the Clerk.

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

7.3 Ref: HC/INBS/706

Applicant: Boletus Edulis Ltd, Callyn, Langhaugh Lane, Galashiels

Premises: The Penny Bun, The Bothy, Badaguish, Aviemore, PH22 1AD

Type: On and off sales

There had been circulated Report No HLB/97/24 by the Clerk.

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

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

8.1 Ref: HC/INBS/703

Applicant: Manickarajah Edmund Ranjith

Premises: Strachans of Nairn, 18 High Street, Nairn, IV12 4AH.

Type: Off sales

There had been circulated Report No HLB/98/24 by the Clerk.

Prior to discussion, the Depute Clerk advised that, in addition to the 3 objections circulated, a late objection had been received. Members considered and **AGREED** to allow the objection to be included and the meeting was briefly adjourned while Members read the objection.

The applicant spoke in support of the application. He had been running convenience stores in England since 1998, all of which had been licensed for off sales, and he had never experienced any issues. Since moving to Scotland, he confirmed that he was willing to comply with Scottish rules and regulations.

The Licensing Standards Officer (LSO) spoke to concerns raised, adding that he had discussed the aspect of overprovision with 3 of the objectors. He stated that in his opinion, the premises did not fall within the criteria of overprovision. The LSO explained that, in the past, Nairn had a high number of licensed premises per head of population but that was no longer the case.

Members were reminded that the Council's overprovision policy was based on the display of off sales alcohol, not on the number of premises, and it was confirmed that the display within the premises was well within capacity.

It was asked of the Licensing Sergeant, in relation to an objection, if Police had any awareness of social misbehaviour or damage, and it was confirmed that the Police had not.

The Board **AGREED** to **GRANT** the application for a provisional 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/103

Applicant: Cabin Highlands Limited

Premises: Boath House, Auldearn, Nairn IV12 5TE

Type: On and off sales

Variation:

1. Q2 - To amend the commencement hour on Sunday to 11am.
2. Q2 - To amend the terminal hour to 1am from Monday to Sunday.
3. Q4 - To add seasonal variations.
4. Q5 - To add bar meals, club/group meetings, dance facilities, theatre, gaming, films and televised sport as activities.

5. Q5 - To add outdoor drinking, bar meals and club/group facilities out with core hours.
6. Q5 - To amend the wording at Q5 to read:
7. *"The premises may be open prior to core hours for breakfasts, snacks, coffees etc and for guest to partake in the activities mentioned above at their leisure, but no alcohol will be sold until the commencement of licensed hours."*
8. Q5(f) - To amend the wording at Q5f to read:
9. *"Beauty therapy is provided on site. A small garden shop operates within the walled garden. The premises may also offer outdoor training programmes, food training programmes, foraging training, art displays and galleries, creative workshops and activities e.g. painting/writing, corporate events, charity nights, wine tasting, charity dinners/auctions and film nights. The grounds of the premises may be used for wedding receptions, photography and other similar events."*
10. Q6(b) - To amend the terms of C&YP access at 6(b) to read:
11. *"There are no restrictions for children staying in the hotel with an adult. Children of non residents must be accompanied by an adult. Non resident young persons can be unaccompanied."*
12. Q6(c) To amend the terms of C&YP access at 6(c.) to read
13. *"0-17 years"*
14. Q6(d) - To amend the terms of C&YP access at 6(d) to read
15. *"There are no restrictions for children of residents. Children of non-residents are allowed to remain until 10pm or until the end of a function when accompanied by an adult. Young persons are allowed to remain until 11pm or until the end of a function."*
16. Q6(e) - To amend the terms of C&YP access at 6(e.) to read :
17. *"All public areas"*
18. Q7 - To amend the capacity to 120 persons.

There had been circulated Report No HLB/99/24 by the Clerk.

The applicant's solicitor spoke in support of the application. He explained that the premises was a long established country retreat and hotel, holding a licence over many years. It was popular with wedding parties and tourists, and also offered beautiful surroundings for artists to paint. The premises was under new ownership and the amendments to the licence included the standardisation of their licensing hours and children's access.

The solicitor also confirmed that in addition to serving alcohol to those staying at the retreat, alcohol could also be served to non-residents, such as those attending a wedding or other public event.

The Board **AGREED** to **GRANT** the application for a major variation to the premises licence subject to the existing conditions.

9.2 Ref: HC/RSL/2103

Applicant: Jonathan Parkin

Premises: Carters Rest Guesthouse, 8/9 Upper Milovaig, Glendale, Isle of Skye, IV55 8WY

Type: On sales

Variation:

1. Amend premises description to include reference to non residents;
2. Increase on sales capacity from 10 to 12;
3. Allow non residents access to the premises for the purposes of on sales as ancillary to a meal;
4. Children and Young Persons Policy - amend wording at 6(c) to "All ages"

There had been circulated Report No HLB/100/24 by the Clerk.

The Board **AGREED** to **GRANT** the application for a major variation to the premises licence subject to the existing conditions.

10. Gambling Act 2005 Proposed Consultation Draft Policy Statement 2025-2028 Achd na Cearrachd 2005 Aithris Phoileasaidh Dreachd Cho-chomhairle a Thathar a' Moladh 2022-2025

There had been circulated Report No HLB/101/24 by the Depute Clerk inviting the Board to approve the publication and issue of the proposed Consultation Draft Policy Statement set out in the Appendix as a formal Consultation Draft and to invite statutory consultees and members of the public to submit consultation responses.

The Depute Clerk stated that the Gambling Policy required to be renewed every 3 years and the current policy expired at the end of 2024. A summary of what the Highland Licensing Board was responsible for, in terms of gambling, was provided.

There had been very little substantive changes made to the previous policy, which included an update to statistics and figures, new weblinks and some small legislative changes.

Upon Members' approval, the draft policy would go out for consultation this week, for a period of 8 weeks. Thereafter, responses from the consultation would be considered and the draft policy would return to the Board in January 2025 for consideration and approval by the Board.

The Board **AGREED** to **APPROVE** the publication and issue of the proposed Consultation Draft Policy Statement set out in the Appendix as a formal Consultation Draft and to invite consultation responses.

11. Surrender of premises licence Gèilleadh ceadachd togalaich

11.1 Premises: Daviot Lodge, Daviot, IV2 5ER HC/INBS/462

Licence Holder: Margaret Macdonald Hutcheson

11.2 Premises: Columba House Hotel, Mange Road, Kingussie, PH21 1JF

Licence Holder: Columba House Hotel Ltd.

11.3 Premises: Highland Liquor Company Ltd, 23 Market Street, Ullapool

Licence Holder: Highand Liquor Company Ltd

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

The meeting closed at 10.30am.