

HIGHLAND LICENSING BOARD

Minute of the meeting of the **Highland Licensing Board** held in the Council Chamber, Council Headquarters, Glenurquhart Road, Inverness on Tuesday, 26 November 2024 at 10.15am.

Present:

Dr C Birt, Mr J Bruce, Mr J Grafton, Mrs J Hendry (Convener), Mr S Kennedy, Ms E Knox, Mr D Macpherson, 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 Somers, Solicitor
Mr G Cameron, Licensing Standards Officer
Mr S Campbell, Licensing Standards Officer
Mrs G MacPherson, Committee Officer

Also In Attendance:

Sergeant Paterson, Police Scotland

Item 6.2: Richard Taylor, Applicant's Solicitor
Item 7.1: Caroline Loudon, Applicant's Solicitor
Items 7.2 and 7.4: Audrey Junner, Applicant's Solicitor
Item 7.5: Richard Green, Applicant
Item 8.1: Paul McSorley, Applicant
Item 8.2: Andrea Montanaro, Applicant, Sian Anderson, Applicant's Partner

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

An apology for absence was intimated on behalf of 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 8 October 2024.

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

4. Licensing (Scotland) Act 2005

**Licences granted under delegated powers
Ahd Ceadachd (Alba) 2005
Ceadachdan a bhuilicheadh fo ùghdarras air a thiomnadh**

There had been circulated Report No HLB/102/24 detailing all Licences which had been granted under delegated powers to the Clerk during the period 26 September 2024 to 13 November 2024.

The Board **NOTED** the Report.

**5. Licensing (Scotland) Act 2005
Occasional licences and extended hours granted under delegated powers
Ahd Ceadachd (Alba) 2005
Ceadachdan Corra-uair agus uairean sìnte a bhuilicheadh fo ùghdarras air a thiomnadh**

There had been circulated Report No HLB/103/24 detailing Occasional Licences and Extended Hours Applications which had been granted under delegated powers by the Clerk to the Board during the period 26 September 2024 to 13 November 2024.

In response to a question, the Licensing Standards Officer (LSO) confirmed that there were a number of applicants for occasional licences considered as repeat applicants. Examples of this were provided, such as a small business starting up that had not yet completed the process for a full premises licence or those weighing up the viability of applying for a full premises licence. The Licensing Team spoke with those applicants regularly to establish their long term plans.

The Board **NOTED** the Report.

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

6.1 Ref: HC/CSR/2127

Applicant: Gledfield Distillery Limited

Premises: Gledfield Distillery, Unit 1A2, Blarliath Industrial Estate, Shore Road, Tain

Type: Off Sales

There had been circulated Report No HLB/104/24 by the Clerk.

In terms of sales via internet and telephone, the LSO confirmed he was comfortable that policies were in place and the applicant was fully aware of their responsibilities to ensure that the sale of alcohol was to persons over the age of 18.

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

6.2 Ref: HC/CSR/2126

Applicant: T J Morris (Scot) Limited per Gosschalks LLP, 61 Queens Gardens, Hull, HU1 3DZ

Premises: Home Bargains, Tulloch Street, Dingwall

Type: Off Sales

There had been circulated Report No HLB/105/24 by the Clerk.

The applicant's solicitor spoke in support of the application. The store had opened on 12 October 2024, operating under occasional licences. Alcohol was a small part of their offer and would not be available for delivery.

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

7. Licensing (Scotland) Act 2005

Applications for variation (major) to premises licences

Achd Ceadachd (Alba) 2005

Iarrtasan airson Caochladh (Mòr) a thaobh ceadachdan thogalaichean

7.1 Ref: HC/INBS/163

Applicant: Penny Petroleum (Scotland) Limited, Old Station House, Powburn, Alnwick, Northumberland, NE66 4HU

Premises: Great Glen Trading Centre, Main Street, Fort Augustus, PH32 4DD

Type: off sales

Variation:

- (1) Q5 - To amend and add wording to read as follows: "The premises may open for general trade prior to the commencement of core hours. Recorded music may be played prior to the commencement of core hours. This is background level. National Lottery tickets/cards can be purchased prior to core hours."
- (2) Q5(f) - To amend and add wording to read as follows: "The primary activity undertaken at the aforementioned premises is the retail sales of the following commodities to the general public."
- (3) Groceries, confectionery, bread and cakes, crisps and snacks, soft drinks, non foods, toiletries, frozen foods, chilled foods, fruit and veg, news papers and magazines, tobacco and cigarettes, wines and spirits and other fermented, distilled and spirituous liquors. Fuel and other vehicle accessories/tools. Food to Go/Food on the move. Click & collect. Home Deliveries. External automated cash machine. Charity collection point and charitable events may take place, alongside sampling and promotional activities.
- (4) The licence holder may operate a national lottery within the outlet and/or pay point bill payment service. They may also provide additional services for the customer, including but not limited to- hot drinks dispensers, parcel/package collection points, launderettes, post office services and hot food points."

There had been circulated Report No HLB/106/24 by the Clerk.

The applicant's solicitor spoke in support of the application. The premises was owned by Penny Petroleum but operated by Spar and an update to the services offered had been required.

It was said that this supermarket was a valued service in the area and the Board welcomed the updating of the licence.

The Board **AGREED** to **GRANT** a major variation to the premises licence subject to the mandatory conditions only.

7.2 Ref: HC/INBS/505

Applicant: Co-op Group Food Ltd, 1 Angel Square, Manchester, M60 0AG

Premises: Co-op, 1 Granish Way, Dalfaber, Aviemore, PH22 1UQ

Type: off sales

Variation:

Major Variation to the Layout Plan to account for an internal reconfiguration of the premises in capacity from 10.52m² to 28.91m² per proposed Layout Plan P2F14.

There had been circulated Report No HLB/107/24 by the Clerk.

The Board **AGREED** to **GRANT** a major variation to the premises licence subject to the mandatory conditions only.

7.3 Ref: HC/INBS/673

Applicant: Jane Manson, Newmore Mains House, Invergordon, IV18 0LQ

Premises: The Cellar, 94a Old Edinburgh Road, Inverness, IV2 3HT

Type: off sales

Variation:

- (1) Change to include both consumption off the premises (predominantly) but also include consumption on premises (tasting sessions and sampling).
- (2) Variation to the capacity of shelves in the shop area from 7.54m² to 15.5m².

There had been circulated Report No HLB/108/24 by the Clerk.

The Board **AGREED** to **GRANT** a major variation to the premises licence subject to the mandatory conditions and the local condition set out at 8.2 of the report.

7.4 Ref: HC/CSR/0694

Applicant: Co-operative Group Food Limited per Hill Brown Licensing, The Forsyth Building, 5 Renfield Street, Glasgow, G2 5EZ

Premises: Co-op, 67/73 High Street, Fortrose

Type: Off sales

Variation:

- 1) amend the layout plan due to internal reconfiguration of the premises resulting in an increase to the alcohol display capacity from 21.50m² to 22.64m².

There had been circulated Report No HLB/109/24 by the Clerk.

The applicant's solicitor spoke in support of the application. The premises was to be extended and refurbished, with a small increase in capacity, and an application for a Building Warrant was to be submitted.

The Board **AGREED** to **GRANT** a major variation to the premises licence subject to the mandatory conditions only.

7.5 Ref: HC/CSR/1434

Applicant: Tain Golf Club

Premises: Tain Golf Club, Chapel Road, Tain

Type: On and Off sales

Variation:

- 1) amend the current premises licence from a members club to a full licence allowing sales of alcohol to the public;
- 2) update description on premises licence to take account of this change;
- 3) amend the layout plan to extend the outside licensed area;
- 4) increase on sales hours to commence at 1000 hrs daily;
- 5) add explanation for other activities to be provided;
- 6) increase on sales capacity to 180 - 140 inside and 40 outside;
- 7) update seasonal variation to take advantage of Board's festive period hours;
- 8) update children and young persons policy.

There had been circulated Report No HLB/110/24 by the Clerk.

The applicant spoke in support of the application. The variation offered the opportunity for the public to attend the Club for drinks, meals and community events.

The Board **AGREED** to **GRANT** a major variation to the premises licence subject to the mandatory conditions, existing local conditions and the following additional condition:

"Premises opening for the sale of alcohol for consumption on the premises prior to 1100 hrs shall have available a selection of hot and cold food and shall advertise this within the premises"

8. Application for personal licence Iarrtas airson ceadachd phearsanta

8.1 Applicant: Paul McSorley

There had been circulated Report No HLB/111/24 by the Clerk.

The Board heard from the Licensing Sergeant who advised, in terms of Section 73 (3) (b) of the Licensing (Scotland) Act 2005, that the applicant had been convicted of a relevant offence. Information was provided in relation to the offence and the Police made no recommendation in respect of the application.

The applicant spoke in support of his application and provided an explanation of the offence. He stated that he had paid dearly for the offence which included loss of employment. He had since found new employment, successfully completed the licensing course and was well aware of the responsibilities to meet the licensing objectives.

During discussion, the following points were raised:-

- the applicant had provided an explanation and remedied his position;
- the Police report made no recommendation;
- the offence had heightened the applicant's awareness of the law and the requirement of it;
- the applicant showed remorse and an understanding of his wrongdoing; and
- the applicant presented himself well and made a commitment to the Board not to repeat the offence.

The Board **AGREED** to **GRANT** the application.

8.2 Applicant: Andrea Montanaro

There had been circulated Report No HLB/112/24 by the Clerk.

The Board heard from the Licensing Sergeant who advised, in terms of Section 73 (3) (b) of the Licensing (Scotland) Act 2005, that the applicant had been convicted of a relevant offence. Information was provided in relation to the offence and the Police recommended the Board refused the application.

Information was sought, and provided, regarding details of the conviction.

The applicant, accompanied by his partner, spoke in support of his application. The applicant had been in a relationship with his partner since 2014, and whilst they had experienced some difficult times, they were still together and in a much better position. It was hoped that they would be able to run a restaurant together.

In response to a question, it was confirmed that the step-father of the applicant's partner had initially contacted the Police, prompted by an argument between the applicant and his partner.

The applicant's partner shared information with the Board regarding their relationship in 2015 and had said that it had been a tough time, however they were now in a better financial situation, and had not long returned from a family holiday with her step-father. She hoped that they could run a restaurant the way they had always wished to do.

In response to a question about incidents witnessed by others, the applicant's partner provided an explanation and felt it was a difference in culture.

During summary, the Licensing Sergeant stated that the applicant had been convicted of, and pled guilty to, the offence. The Police suggested that this was incompatible with the licensing objectives, namely preventing crime and disorder and securing of public safety, and the Board was asked to refuse the application.

During his summary, the applicant stated that he had finished his unpaid work and he had received a reference from his supervisor. The meeting adjourned for a brief period so that the reference could be circulated to Board Members.

Upon reconvening, it was asked if the applicant had other support in regards to his health or behaviour and it was confirmed that the applicant's family and work colleagues supported him..

During discussion, differing opinions were expressed and the following points were raised:-

- it was appreciated that both the applicant and his partner had attended today;
- being young and having financial troubles was not considered justification for domestic abuse;
- it was suggested that most couples experienced difficulties throughout their relationships;
- it was reiterated that the applicant pled guilty to the offence;
- the refusal of the application would not affect the opening of his restaurant as another personal licence holder could be sought; and
- the applicant and his partner had provided an insight into their history and the reference gave weight to the suggestion that the applicant could meet the licensing criteria.

Thereafter, Mrs J Hendry, seconded by Mr D Macpherson, **MOVED** to refuse the application.

Having had regard to the Police Scotland notice, the information provided and the submissions made that they were satisfied that a ground of refusal applied.

Having regard to the licensing objectives, they deemed that the applicant was not a fit and proper person to be the holder of a personal licence and, in addition, it was otherwise necessary to refuse the application for the purposes of the licensing objectives of preventing crime and disorder and securing public safety. This was due to the nature of the conviction.

Mr S Kennedy, seconded by Dr C Birt, moved as an **AMENDMENT**, to grant the application.

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 J Grafton, Mrs J Hendry, Ms E Knox, Mr D Macpherson.

For the Amendment:

Dr C Birt, Mr J Bruce, Mr S Kennedy, Mr K Rosie.

There being an equality of votes, the Chair exercised her casting vote in favour of the **MOTION**, which was therefore **CARRIED**.

Decision

The Board **AGREED** to **REFUSE** the application for the following reasons:-

Due to the nature of the conviction, it was necessary for the purposes of the preventing crime and disorder and securing public safety licensing objectives, that the application be refused.

In addition, having regard to the licensing objectives, the applicant was not a fit and proper person to be the holder of a personal licence.

9. Surrender of premises licence Gèilleadh ceadachd togalaich

9.1 Premises: Slaters Arms, Cannich by Beaully IV4 7LN
Licence Holder: Angela Muir

9.2 Premises: Caol Community Centre, Caol, Fort William, PH33 7DS
Licence Holder: Sandra Fraser

9.3 Premises: Caralan, Carr Road, Carrbridge PH23 3AD
Licence Holder: Cairngorm Gin Company Limited

9.4 Premises: Station Newsagent, Farraline Park, Inverness IV1 1NH
Licence Holder: SRP Inverness Ltd

9.5 Premises: The Cellar, Newmore, Invergordon
Licence Holder: The Grand Whisky Auction Limited

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

The meeting closed at 11.30am.