

## The Highland Licensing Board

Meeting – 25 February 2025

Agenda Item	7
Report No	HLB/09/25

### The Licensing (Scotland) Act 2005, Section 37

#### Premises licence review proposals – Non-payment of annual premises licence fee 2024/25

#### 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 2024 to 30 September 2025.

### 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 2024 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: 12 February 2025

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**

<b>Reference</b>	<b>Premises</b>	<b>Licence holder</b>	<b>Ground of review</b>
HC/CSR/0742	Commercial Bar, High Street, Invergordon	O'Brien Brothers (Taverns) Limited	Non payment of annual fee
HC/RSL/1461	Fort William FC Clubhouse Claggan Fort William PH33 6TD	Fort William FC	Non payment of annual fee
HC/RSL/1402	Great Glen Water Park South Laggan By Spean Bridge PH34 4EA	Great Glen Water Park Company Ltd	Non payment of annual fee
HC/RSL/1081	Milton Spean Bridge Hotel Spean Bridge Inverness-shire PH34 4ES	Milton Hotel and Leisure Group Ltd	Non payment of annual fee