

The Highland Licensing Board

Meeting – 1 April 2025

Agenda Item	6
Report No	HLB/21/25

The Licensing (Scotland) Act 2005

Premises licence review hearings – non-payment of annual premises licence fees

Report by the Clerk to the Licensing Board

Summary

The Board made premises licence review proposals on 25 February 2025 in respect of those premises for which the annual premises licence fee for the year 2024/25 remained unpaid in breach of the mandatory condition of licence. The Board must hold review hearings to consider and determine their review proposals in respect of the following premises for which annual licence fees remain unpaid.

	Ref	Premises	Licence holder
1	HC/RSL/1461	Fort William Football Club Clubhouse, Claggan Park, Fort William, PH33 6TD	Fort William Football Club
2	HC/RSL/1081	Milton Spean Bridge Hotel, Spean Bridge, Inverness-shire, PH34 4ES	Milton Hotel and Leisure Group Limited
3	HC/RSL/1402	Great Glen Water Park, South Laggan, By Spean Bridge, PH34 4EA	Great Glen Water Park Company Limited
4	HC/CSR/0742	Commercial Bar, High Street, Invergordon, IV18 0DZ	O'Brien Brothers (Taverns) Ltd

1. In terms of the Licensing (Scotland) Act 2005 an annual fee is payable for each premises licence. The fee becomes due on 1 October in each year.
2. The fees in respect of the licences for each of the premises listed above were due on 1 October 2024.
3. The Board has complied with its legal obligation to send a reminder no later than 30 days before the date on which the fees were due.
4. The licence holders listed above have accordingly received these reminders and have been advised of the possible consequences of failure to pay.

5. Payment of the annual fee is a mandatory condition of holding a licence and the Act clearly specifies that the fee must be paid as required.

The annual fees represent approximately 66% of the income required by the Board to meet the expenses incurred by the Board in administering the Act.

6. The premises licence holders listed above and the Licensing Standards Officer for the area in which each premises concerned are situated have been given notice of the review proposals and of the review hearings.

7. The Licensing Standards Officers' Reports on the review proposals are attached at Appendix 1 and the Board must take the relevant report into account at each review hearing.

8. In terms of Section 39 of the Act, if at a review hearing the Board is satisfied that the ground for review is established, the Board may take such of the following steps as the Board considers necessary or appropriate for the purposes of any of the licensing objectives:-

1. Issue a written warning
2. Make a variation of the licence
3. Suspend the licence for such period as the Board may determine
4. Revoke the licence

7. Recommendation:

The Board is invited to hear the above licence holders and then to consider and determine the premises licence review proposal for each of the premises detailed above.

Author: Clerk to the Licensing Board

Date: 14 March 2025

Appendices: Licensing Standards Officer's reports

Report by the Licensing Standards Officer

Review Hearing in terms of the Licensing (Scotland) Act 2005, Section 38(1)

Premises: Fort William FC Clubhouse, Claggan Park, Fort William, PH33 6TD

1.0 Licensing History:

- 1.1 Fort William Football Club is the holder of the premises licence HC/RSL/1461 for the premises known as Fort William Football Club Clubhouse. The premises is described as a detached timber-clad building adjacent to the grounds of Fort William Football Club and is situated in the village of Claggan.
- 1.2 The premises licence is subject to the Mandatory Conditions in accordance with Schedule 3 of the Licensing (Scotland) Act, 2005.
- 1.3 To date, the annual fee of £157 due on 1st October 2024 has not been paid.

2.0 Legislation:

- 2.1 In terms of the Mandatory Conditions in accordance with Schedule 3 of the Licensing (Scotland) Act, 2005 introduced by Section 27(1), an annual fee must be paid by virtue of the regulations under section 136(1).
- 2.2 On 25 February 2025, I received notice in terms of section 38(3)(b)(ii) of the Licensing (Scotland) Act 2005 of the Highland Licensing Board's intention to hold a review hearing in respect of the above premises following the Premises Licence Holder's failure to pay the prescribed annual fee in breach of Mandatory Condition 10.
- 2.3 This report is submitted in terms of section 38(4) (a) of the Licensing (Scotland) Act, 2005.

3 Background Information:

- 3.1 I can confirm that the Licensing Board's correspondence dated 14 March 2025 informing the premises licence holder of the proposed review hearing was sent by First Class post and Recorded Delivery.
- 3.2 The Premises is not currently open or trading, however, the licensing team have been liaising with Robert Coull, Chair of the Fort William Football Club who advised that he would arrange for payment of the annual fee invoice. To date however, this invoice remains outstanding.

Designation: Licensing Standards Officer

Reference: HC/RSL/1461

Date: 14 March 2025

Author: Shonnie Campbell

Background Papers: Licensing (Scotland) Act 2005

Report by the Licensing Standards Officer

Review Hearing in terms of the Licensing (Scotland) Act 2005, Section 38(1)

Premises: Milton Spean Bridge Hotel, Spean Bridge, PH34 4ES

1.0 Licensing History:

- 1.1 Milton Hotel & Leisure Group Limited is the holder of the premises licence HC/RSL/1081 for the premises known as the Milton Spean Bridge Hotel. The premises is located within the village of Spean Bridge and situated adjacent to the main A82 Trunk Road. The premises consists of a combination of single, two and three storeys. Accommodation is contained within the main hotel, annex and chalets.
- 1.2 The premises licence is subject to the Mandatory Conditions in accordance with Schedule 3 of the Licensing (Scotland) Act, 2005.
- 1.3 To date, the annual fee of £438 due on 1st October 2024 has not been paid.

2.0 Legislation:

- 2.1 In terms of the Mandatory Conditions in accordance with Schedule 3 of the Licensing (Scotland) Act, 2005 introduced by Section 27(1), an annual fee must be paid by virtue of the regulations under section 136(1).
- 2.2 On 25 February 2025, I received notice in terms of section 38(3)(b)(ii) of the Licensing (Scotland) Act 2005 of the Highland Licensing Board's intention to hold a review hearing in respect of the above premises following the premises licence holder's failure to pay the prescribed annual fee in breach of Mandatory Condition 10.
- 2.3 This report is submitted in terms of section 38(4) (a) of the Licensing (Scotland) Act, 2005.

3 Background Information:

- 3.1 I can confirm that the Licensing Board's correspondence dated 14 March 2025 informing the premises licence holder of the proposed review hearing was sent by First Class post and Recorded Delivery.
- 3.2 The premises has been closed for a number of months. To date, the licensing team and Licensing Standards Officer have been unsuccessful in their attempts to make contact with the premises licence holder.

Designation: Licensing Standards Officer

Reference: HC/RSL/1081

Date: 14 March 2025

Author: Shonnie Campbell

Background Papers: Licensing (Scotland) Act 2005

Report by the Licensing Standards Officer

Review Hearing in terms of the Licensing (Scotland) Act 2005, Section 38(1)

Premises: Great Glen Water Park, South Laggan, By Spean Bridge, PH34 4EA

1.0 Licensing History:

- 1.1 Great Glen Water Park Company Limited is the holder of the premises licence HC/RSL/1402 for the premises known as the Great Glen Water Park. The premises is described as a holiday resort with a restaurant and bar. The premises is situated within the main leisure complex of the holiday park.
- 1.2 The premises licence is subject to the Mandatory Conditions in accordance with Schedule 3 of the Licensing (Scotland) Act, 2005.
- 1.3 To date, the annual fee of £245 due on 1st October 2024 has not been paid.

2.0 Legislation:

- 2.1 In terms of the Mandatory Conditions in accordance with Schedule 3 of the Licensing (Scotland) Act, 2005 introduced by Section 27(1), an annual fee must be paid by virtue of the regulations under section 136(1).
- 2.2 On 25 February 2025, I received notice in terms of section 38(3)(b)(ii) of the Licensing (Scotland) Act 2005 of the Highland Licensing Board's intention to hold a review hearing in respect of the above premises following the premises licence holder's failure to pay the prescribed annual fee in breach of Mandatory Condition 10.
- 2.3 This report is submitted in terms of section 38(4)(a) of the Licensing (Scotland) Act, 2005.

3 Background Information:

- 3.1 I can confirm that the Licensing Board's correspondence dated 14 March 2025 informing the premises licence holder of the proposed review hearing was sent by First Class post and Recorded Delivery.
- 3.2 The premises is not currently open or trading and to date, the licensing team and Licensing Standards Officer have been unsuccessful in their attempts to make contact with the premises licence holder.

Designation: Licensing Standards Officer

Reference: HC/RSL/1402

Date: 14 March 2025

Author: Shonnie Campbell

Background Papers: Licensing (Scotland) Act 2005

Report by the Licensing Standards Officer

Review Hearing in terms of the Licensing (Scotland) Act 2005, Section 38(1)

Premises: Commercial Bar, High Street, Invergordon

1.0 Licensing History:

- 1.1 O'Brien Brothers (Taverns) Ltd is the holder of the premises licence HC/CSR/0742 for the premises known as The Commercial Bar, High Street, Invergordon. The premises operate as two bars on High Street, Invergordon
- 1.2 The premises licence is subject to the Mandatory Conditions in accordance with Schedule 3 of the Licensing (Scotland) Act, 2005.
- 1.3 To date, the annual fee of £245 due on 1 October 2024 has not been paid.

2.0 Legislation:

- 2.1 In terms of the Mandatory Conditions in accordance with Schedule 3 of the Licensing (Scotland) Act, 2005 introduced by Section 27(1), an annual fee must be paid by virtue of the regulations under section 136(1).
- 2.2 On 25 February 2025, I received notice in terms of section 38(3)(b)(ii) of the Licensing (Scotland) Act 2005 of the Highland Licensing Board's intention to hold a review hearing in respect of the above premises following the premises licence holder's failure to pay the prescribed annual fee in breach of Mandatory Condition 10.
- 2.3 This report is submitted in terms of section 38(4)(a) of the Licensing (Scotland) Act, 2005.

3 Background Information:

- 3.1 I can confirm that the Licensing Board's correspondence informing the premises licence holder of the proposed review hearing was sent by First Class post and Recorded Delivery.
- 3.2 All attempts to contact the licence holder by means of telephone, mobile as well as email have been unsuccessful all coming back as unobtainable.

I have been unable to confirm the current trading status of the premises.

Designation: Licensing Standards Officer

Reference: HC/CSR/0742

Date: 12 March 2025

Author: Garry Cameron

Background Papers: Licensing (Scotland) Act 2005