

The Highland Licensing Board

Meeting – 14 May 2013

Agenda Item	8.4
Report No	HLB/051/13

Application for the provisional grant of a Premises Licence under the Licensing (Scotland) Act 2005

Links House, Golf Road, Dornoch, Sutherland, IV25 3LW

Report by the Clerk of the Licensing Board

Summary

This Report relates to an application for a Provisional Premises Licence for Links House, Golf Road, Dornoch, IV25 3LW

1.0 Background

1.1 Links House is a detached hotel which consists of letting bedrooms, and a separate mews building containing guest suites with garden ground, outbuildings and car parking. The premises will also include an Honesty Bar in the Library/Card Room/TV Room.

1.2 On 13 March 2013 the Licensing Board received an application for the provisional grant of a Premises Licence from The Links House Limited in respect of Links House.

1.3 In accordance with standard procedure, Police Scotland, Highlands & Islands Fire & Rescue Service, the Council's TEC Services (Environmental Health), Planning and Building Standards were consulted on the application.

Notification of the application was also sent to NHS Highland and to the local Community Council.

No objections or representations have been received from these agencies.

1.4 The applicant has been invited to attend.

2.0 Legislation

2.1 The Licensing Board must in considering and determining the application, consider whether any grounds of refusal apply and if none of them applies, the Board must grant the application.

Relevant grounds of refusal may be: -

1. the premises are excluded premises;
2. the grant of the application will be inconsistent with one or more of the licensing objectives; having regard to;

(i) the nature of the activities proposed to be carried on in the subject premises, (ii) the location character and condition of the premises, and (iii) the persons likely to frequent the premises, if the Board considers the premises are unsuitable for the sale of alcohol.

3. having regard to the number and capacity of licensed premises of the same or similar description in the locality, the Board considers that if the application were to be granted, there would, as a result, be over provision of licensed premises of that description in the locality.

2.2 The Board has power where, if they would refuse the application as made, but if a modification is proposed by them and accepted by the applicant, the application can be granted as modified.

3.0 Summary of Application

The applicants seek the following **on-sale** hours:-

Monday to Friday:	1100 hours to 0100 hours
Sunday:	1200 hours to 2400 hours

The applicants seek the following **off-sale** hours:-

Monday to Sunday:	1000 hours to 2200 hours
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4.0 Policies

The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Hours
- (ii) Highland Licensing Board Policy Statement
- (iii) The Highland Licensing Board combined Equality Scheme

5.0 Licensing Standards Officer

The LSO has provided the following comments:-

- The applicant proposes to operate a detached hotel accommodating up to 24 guests in letting bedrooms and a separate mews building containing guest suites all within a walled garden with outbuildings and car parking. The premises are still under construction and do not yet appear on the valuation roll.
- The premises are set in their own grounds adjacent to Royal Dornoch Golf Club. There are some private residences in the immediate area.
- The application is for licensed hours within policy and the activities and services referred to in the operating plan are appropriate for this type of operation.

- There is no service bar on the premises and the applicant intends that alcohol will be dispensed from storage areas by staff supplemented by an “honesty bar” within the library when required.
- The applicant has provided a statement describing the method of operation of the “honesty bar” demonstrating due regard to the licensing objectives. It is particularly noted that unaccompanied children are not to be permitted within the library where the “honesty bar” is to be located when it is in operation. The method of operation has been linked to the operating plan and the applicant is required to ensure compliance with that plan.
- It is noted that an outdoor drinking area is proposed. While there are some neighbouring residential properties there is no reason to believe that any restriction on the use of the outdoor drinking area will be required.

6.0 Conditions

6.1 Mandatory Conditions

If the application is approved the Mandatory Conditions set out in Schedule 3 of the Act will apply.

6.2 Local Conditions

None to apply

6.3 Special Conditions

1. Children and young persons are not permitted in the library at any time when the “honesty bar” facility is in operation unless accompanied by a responsible adult.
2. The “honesty bar” must be operated in accordance with the method of operation of honesty bar statement provided with the operating plan for the premises.

Recommendation

The Board is invited to determine the above application and the proposed special conditions detailed at para. 6.3 above.

Designation: Clerk of the Highland Licensing Board
 Reference: HC/CSER/1661
 Date: 30 April 2013
 Author: L Gunn
 Background Papers: The Licensing (Scotland) Act 2005
 Appendix: Method of Operation of Honesty Bar

LINKS HOUSE, DORNOCH

METHOD OF OPERATION OF HONESTY BAR

DESCRIPTION OF PREMISES

Links House will operate as a small hotel offering high quality accommodation and catering for golfing and other visitors to Dornoch. There is no service bar in the premises. Service of alcohol to guests will be primarily by members of staff from storage in non-public areas of the premises, supplemented by an "Honesty Bar" within the Library, where card tables and a television are also located.

LICENSING OBJECTIVES

The method of operation of the Honesty Bar is designed to comply with the licensing objectives namely:-

1. Preventing crime and disorder.
2. Securing public safety.
3. Preventing public nuisance.
4. Protecting and improving public health.
5. Protecting children from harm.

DESCRIPTION OF HONESTY BAR

The Honesty Bar will be located within a niche (1.93m high x 0.81m wide) in the Library. There is an elevation of the Honesty Bar on the Ground Floor layout plan. The bar niche will have lockable doors and can therefore be secured at appropriate times. The Honesty Bar will not be open or available to non-residents and will be secured outwith the core on sales licensed hours for the premises and when the Library is being used for an event or function open to non-residents.

The only alcoholic drinks available from the Honesty Bar will be a range of malt whiskies and a small selection of bottled organic beers. Wines or other spirits and beers will not be available from the Honesty Bar. All such other drinks will require to be ordered from a member of staff and it is anticipated that most guests will also choose to order malt whiskies in that way. However the licence holder also wishes to offer resident guests the facility of a self-service bar for malt whiskies and organic beers.

CHILDREN AND YOUNG PERSONS

The Children and Young Persons Policy for the premises provides that children and young persons are not permitted in the Library unaccompanied by an adult during times when the Honesty Bar is open. A section 110 notice will be displayed in the Honesty Bar niche.

OPERATING PROCEDURES

The Honesty Bar area will include all necessary glasses and measures. All measures will be of the same capacity of 35ml. Residents will be advised that they must use the spirit measures when dispensing drinks from the Honesty Bar. Their consumption is to be recorded in a log book, recording the date, time, name, room number and details of any consumption, with the signature of the resident.

Hotel staff will always be available in the Premises when the Honesty Bar is open and the Honesty Bar will be inspected regularly and at least once every hour during the times that it is open.

Staff will be instructed to close and secure the Honesty Bar if there is any excessive or inappropriate consumption by any guest.

Consumption information will be transferred from the Honesty Bar log to residents' accounts daily.