

The Highland Licensing Board

Meeting – Tuesday 6 August 2013

Agenda Item	8.3
Report No	HLB/083/13

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

Tighard Guest House, Isle of Canna, PH44 4RS

Report by the Clerk of the Licensing Board

Summary

This Report relates to an application for a Premises Licence in respect of Tighard Guest House, Isle of Canna, PH44 4RS.

1.0 Background

1.1 The Tighard Guest House is an Edwardian House situated on the Isle of Canna in the Small Isles and consists of three guest bedrooms upstairs and a guest lounge and dining room on the ground floor.

The premises is set within its own grounds with extensive large gardens on all sides and has no immediate neighbours.

1.2 On 25 June 2013 the Licensing Board received an application for the grant of a Premises Licence from David A Marr.

The application was accompanied by the necessary Section 50 Certification in terms of Planning, Building Standards and Food Hygiene.

1.3 The application was publicised during the period 2 July until 23 July 2013 and confirmation that the site notice was displayed has been received.

1.4 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.

There are no objections or representations to the application.

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 applicant seeks the following **on-sale** hours:-

Monday to Sunday: 1200 hours to 2300 hours

Capacity: 10 persons

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 Equality Strategy
- (iv) Schedule of Local Conditions

5.0 Licensing Standards Officer

The LSO has provided the following comments:-

- The hours applied for are within policy and all activities referred to in the operating plan are reasonable and appropriate for this type of operation.
- There is no bar counter within the premises and the children's policy is in line with the Board's policy;

- The layout plan(s) submitted with the application complies with the required specifications;
- The premises are considered suitable for use for the sale of alcohol in accordance with the proposed application;
- There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives;
- It is noted that an outdoor drinking area is proposed. It is not considered necessary to impose any restriction on its use.

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

Should the Board grant the application as applied for, the Board may wish to consider attaching the following condition(s) from the Schedule of Local Conditions:-

Local Condition E:

Any alcohol for consumption in the outdoor drinking area will be sold only in the licensed premises.

6.3 Specific Condition

In terms of the Licensing Board's Schedule of Application Fees, the Applicant has paid the sum of £200 relative to private accommodation. In this regard, should the Board grant the application as applied for, the Board may wish to consider attaching the following specific condition:-

- This Licence authorises the Premises Licence Holder to sell alcohol in the premises only to persons residing there, for consumption on the premises by such a person.

Recommendation

The Board is invited to determine the above application and the proposed local/specific condition(s) detailed at para(s). 6.2 and 6.3 above.

Designation: Clerk of the Highland Licensing Board

Reference: HC/RSL/1670

Date: 24 July 2013

Author: AHM/JT

Background Papers: The Licensing (Scotland) Act 2005 /Application Form