

The Highland Licensing Board

Meeting – 1 April 2014

Agenda Item	9.1
Report No	HLB/036/14

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

Report by the Clerk of the Licensing Board

Summary

Ref: HC/RSL/1692

This Report relates to an application for the grant of a Premises Licence for:

Premises: Ullapool Youth Hostel, Shore Street, Ullapool, IV26 2UJ

Applicant: SYHA (Trading) Ltd, per Lindsays, Glasgow

1.0 Background

1.1 This is an application for a premises licence in respect of a youth hostel which offers accommodation to travellers and tourists.
The Hostel is situated on Shore Street in the centre of Ullapool overlooking Loch Broom.

1.2 On 9 January 2014 the Licensing Board received an application for the grant of a Premises Licence from the applicant's agent, Lindsays, 1 Royal Bank Place, Buchanan Street, Glasgow G1 3AA.

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

1.3 The Board has advertised the application on the Council's website for a period of 21 days and the applicant has to display the Notice on site for the same period (23 January 2014 to 13 February 2014). Confirmation of site note has been received.

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

Notification and a copy of the application have been sent to NHS Highland and to the Local Community Council.

A notice of the application has been sent to and all the people listed under S21(1) of the Act

1.5 One representation and ten objections were received in respect of the application.

(Appendix 1 attached)

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 ground 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 licenced 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.

3.0 Summary of Application

Off Sales

Monday to Sunday - 1000 hrs to 2200 hrs

On Sales

Monday to Thursday - 1100 to 2400 hrs

Friday to Sunday - 1100 hrs to 0100 hrs

4.0 Policies

The following policies are relevant to the application:

Highland Licensing Board Policy Hours

Highland Licensing Board Policy Statement

The Highland Licensing Board combined Equality Scheme

Schedule of Local Conditions

5.0 Licensing Standards Officer's Comments:

The Scottish Youth Hostel Association have operated a successful youth hostel on Shore Street in the centre of Ullapool for many years and now apply for a licence to sell alcohol by on and off-sales to the residents and other persons making use of the facilities and services.

The premises have a frontage directly onto the pavement and an area to the west side identified as an outdoor drinking area.

There is no bar counter on the premises and on and off-sales of alcohol, which will be in sealed containers, will be made from stock kept at reception. No capacity of alcohol for off-sales has been given as there will be no display. Alcohol will be stored in a fridge which is set below the counter behind the reception desk/counter and the contents will not be seen from a public area. A price list will be on display.

The sale of alcohol by off-sales is not in conflict with the Board's over-provision policy.

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 are some nearby residential properties and a condition restricting the use of the outdoor drinking area after 2100 hours would be appropriate.

6.0 Conditions:

6.1 Local Conditions

e) After **2100 hrs** alcoholic or non-alcoholic drinks shall not be consumed in an outdoor drinking area.

q) The licence holder shall submit to the Board and to Police Scotland, prior to 1 December each year, notice of the dates within the festive period on which it is intended that the premises remain open until the festive period terminal hour stated for that category of premises in the Board's Policy Statement. The Premises may remain open until the festive period terminal hour only on those dates for which notice has been given by the licence holder to the Board and to Police Scotland in accordance with this condition.

6.2 Late Opening Premises Conditions

The following shall apply on any occasion that the premises are open after 0100 hrs.

- 1) A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 0100 hrs (on any day when the premises are open at that time) until whichever is the earlier of:-
 - a) the time at which the premises next close and
 - b) 0500 hrs.

- 2) A designated person who is the holder of a personal licence must be present on the premises from 0100 hrs (on any day on which the premises are open at that time) until whichever is the earlier of:
- a) the time at which the premises next close and
 - b) 0500 hrs.

7.00 Summary

I have no cause to object to the grant of the application.

Recommendation

That the Board consider the comments by the Licensing Standards Officer while determining this application.

Designation: Clerk of the Licensing Board

Reference: HC/RSL/1692

Date: 3 March 2014

Author: AHM/CM

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

Appendix 1:

Ullapool Youth Hostel representation and objections

LIST OF REPRESENTATION/OBJECTIONS
ULLAPOOL YOUTH HOSTEL (NEW PREMISES LICENCE)
Case reference number:- HC/RSL/1692

Lochbroom Community Council
Representation received – 13 February 2014

Objections:-

Ms W A Boden & Mr R A Shackleton, 16 Argyle Street, Ullapool, IV26 2UB
Objection received – 11 February 2014

Michael Digby, St Enodoc, 25 Shore Street, Ullapool, IV26 2UJ
Objection received – 11 February 2014

Nigel R. Jordan, Argyll Hotel, 18 Argyle Street, Ullapool, IV26 2UB
Objection received – 11 February 2014

Mr & Mrs E J Letby, 14 Shore Street, Ullapool (per Middleton Ross & Arnot)
Objection received – 11 February 2014

George W. M. Hobbs, Strathmore, 21 Shore Street, Ullapool, IV26 2UJ
Objection received – 11 February 2014

Marian M. Hobbs, Strathmore, 21 Shore Street, Ullapool, IV26 2UJ
Objection received – 12 February 2014

TLT Scotland Ltd., 140 West George Street, Glasgow, G2 2HG – on behalf of
Punch Partnership Ltd., Argyll Hotel, 18 Argyle Street, Ullapool, IV26 2UB
Objection received – 13 February 2014

Angus McMurchy, 12 Argyle Street, Ullapool, IV26 2UB
Objection received – 13 February 2014

Sandy Watters, 17a Argyle Street, Ullapool, IV26 2UB
Objection received – 13 February 2014

Janis Breckenridge & David Falconer, Mo Beag, 15 Argyle Street, Ullapool,
IV26 2UB
Objection received by e-mail at 1605 hrs on 13 February 2014



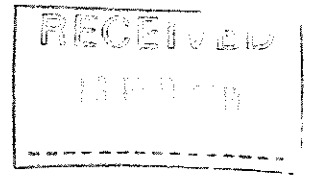
LOCHBROOM COMMUNITY COUNCIL

ULLAPOOL, ROSS-SHIRE

c/o Spindrift, West Terrace

Ullapool, Ross-shire IV26 2UU

Tel:01854 612526 email: kross@spindrift.co.uk



Alasdair H MacKenzie
Clerk of the Highland Licensing Board
Council Offices
High Street
Dingwall
IV15 9QN
11/02/14

Dear Sir,

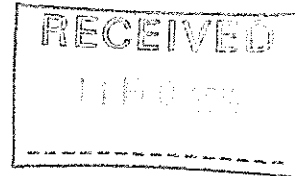
**Application for grant of premises licence (on & of sales)
ULLAPOOL YOUTH HOSTEL, SHORE STREET, ULLAPOOL**

LBCC does not intend to formally object to this application and members understand that quite possibly at this time an application is being submitted for every Youth Hostel but asks that the Licensing Board might consider the following points which members feel represents the views of local residents:

1. Ullapool already has what many would consider an over-provision of outlets selling alcohol.
2. The Youth Hostel in Ullapool is in a central position in the village and has three licensed premises in very close proximity with a further 5 licensed premises between 5 and 10 minutes walking distance.
3. The proposed activities mentioned (weddings, live music, cabaret, discos etc) have never been known to take place in the Ullapool Youth Hostel and the prospect of this actually taking place with licenses up to I am would cause concern to neighbours.

Yours faithfully,

Kathy Ross
(Chair, LBCC)



**REPRESENTATIONS OR OBJECTIONS IN RELATION TO A PREMISES LICENCE
APPLICATION UNDER THE LICENSING (SCOTLAND) ACT 2005**

Please read the Board's Guidance Notes on How to Object or make Representations in relation to a Premises Licence Application before completing this form. This form when completed should be returned to the nearest office of the Licensing Board using the contact details in the guidance notes. Remember, if an objection is rejected by the Board as frivolous or vexatious, the Board may seek to recover expenses from the objector or person making representations

1. Full Name and Address of person making objection/representation:

MS. W. A. BODEN & MR. R. A. SHACKLETON, 16 ARGYLE STREET, ULLAPOOL, ROSS-SHIRE IV26 2UB	
Telephone Number:	01854 612836
Email Address:	alice1@talktalk.net

2. Address of Premises in respect of which objection / representation is made:

Ullapool Youth Hostel, Shore Street, Ullapool, Ross shire, IV26, 2UJ

3. Details of any OBJECTION: (complete only if you consider one of the ground for refusal apply)

State ground of objection (refer to ground of objection by number, see guidance notes, and give details): (Continue on separate sheet if necessary)	
1. Excluded Premises	} see attached letter
2. Off-Sales Hours/24 hour drinking	
3. Licensing Objectives	
4. Activities/Premises/Customers	
5. Over Provision	

4. Details of any REPRESENTATION: (complete only if you wish to make a representation in respect of the application)

State details of any representation (refer to representation by number, see guidance notes, and give details): (Continue on separate sheet if necessary)	
1. in support of application	— see attached letter
2. seeking an amendment to the operating plan, or	
3. seeking to add additional conditions to the licence	

Signature:.....

Date..... 6/2/14.....

16 Argyle Street
Ullapool
Ross-shire
IV26 2UB

Your reference: CM/HC/RSL/1692
FAO Catherine MacLennan

6 February 2014

Clerk to the Licensing Board
Highland Council Offices
High Street
Dingwall
Ross-shire
IV15 9QN

**APPLICATION FOR GRANT OF PREMISES LICENCE FOR ULLAPOOL
YOUTH HOSTEL, SHORE STREET, ULLAPOOL , IV26 2UJ**

Dear Sir/Madam,

We have received your notification of the application for a premises licence for Ullapool Youth Hostel on Shore Street, Ullapool. Our home at 16 Argyle Street is immediately behind the hostel, overlooking the hostel garden. We object to the application primarily on the grounds of over provision but also with regard to grounds 3 and 4 of those listed on the form enclosed.

Over provision

We do not see any justification for the village youth hostel holding a liquor licence when there are already 2 bars literally a stone's throw from the hostel. The Ferry Boat Inn, (FBI), is next door but two to the hostel and the Argyll is on Argyle Street, behind the FBI, a few yards along from us, at the end of our terrace. A short walk along Shore Street in the direction of the pier, hostel residents will also find The Frigate, The Seaforth and the Arch Inn. In the other direction along the shore, beyond the FBI, is The Royal Hotel. Those are just the bars overlooking Loch Broom, close to the hostel. There are others elsewhere in the village, too, of course.

If hostel residents wish to buy alcohol off sales without visiting the nearby bars, there are also several shops in the village already selling liquor. The closest of these is the shop at Lochbroom petrol filling station which is less than one minute's walk away. In terms of availability, the Tesco supermarket is open 7 days a week, including even later hours than the garage on most of those evenings. Self-catering hostellers are almost sure to be shopping there in any case. Hostel residents currently wishing to enjoy a drink are already spoilt for choice.

It is also unclear why the hostel would want to sell liquor to non-residents at all. Should that be allowed in the context of current provision? We would have thought that the existing bars and shops in the neighbourhood are more than enough, especially in the current economic climate. Surely the licensing of yet another drinking and liquor retailing establishment in an area where some of the existing licensees evidently find it hard at times to keep their businesses going would not be a good thing.

Licensing Objectives and Activities

The hostel seeks permission to sell alcohol up to midnight on 4 days and up to 1am on Friday, Saturday and Sunday nights, to accommodate parties, dancing and celebrations of up to 50 people, to have live music and various entertainment performances and to have outdoor drinking facilities. We fail to see how granting this new liquor licence could possibly prevent public nuisance or crime and disorder, secure public safety, improve public health or protect from harm children who are staying at the hostel, in line with the five "licensing objectives". It seems much more likely that the reverse is true. In other words, the licence does not address and solve existing problems by managing these issues. As far as we are aware, there are no such problems currently in the area around the hostel, but they might well develop if the licence is granted.

Outdoor drinking

The idea that the area behind the hostel is to become a beer garden available to partygoers, with all the attendant potential for rowdiness and anti-social behaviour implicit in that, is very alarming. When visitors book venues specifically for drinking parties, it frequently leads to problems. If non residents have access to the same drinking areas that can only aggravate matters. For example, a conversation with the local police about the very recent drunken party of youngsters staying at the Caledonian Hotel will confirm the problems which can be experienced. That particular weekend in January this year ended with one local person in hospital with very serious head injuries and a great many others in the village feeling totally appalled at the bad behaviour of the group of drunken young visitors who had spent all day and night "carousing" very noisily in our streets.

This is a peaceful, residential area. The vast majority of visitors to Ullapool are here because of the serenity of the north west Highlands.

There are occasional issues with drinkers who can be noisy late at night and have been known to interfere with vehicles and leave litter, glasses and bottles in front of the homes in Argyle Street. The noise problems are not currently so frequent as to constitute an unacceptable public nuisance and local residents have generally tried to take a fairly relaxed, philosophical attitude to occasional disturbance caused by late drinking and music sessions at nearby bars, except when property has been damaged.

If the youth hostel is also hoping to host late night celebrations and parties and make the garden adjacent to Argyle Street available for outside drinking, it seems likely that noisiness and other anti-social behaviour is highly likely to cause increased public nuisance in this area, not prevent it, which is one of the stated aims in the list of licensing objectives.

The only time when we have been aware of a party being celebrated at the back of the hostel up to now, there certainly was a very high noise level in the garden until late at night, which carried across to the houses in Argyle Street. We assumed that it was a one-off and we would not want that type of disturbance to become a regular feature, changing the normally quiet character of this part of the village.

Noise from any music or live entertainment at the hostel below us would also be heard on Argyle Street, more so if the only door to their garden, (which is a fire exit) was to be illegally propped open to allow trays of drinks, empties, etc to be carried up and down from the building. It is almost impossible to imagine that the rear fire exit door would never be wedged open if the garden was being used by drinkers.

Incidentally, if the hostel is hoping to attract greater patronage as a result of having a licence, (and what is the point of the SYHA's diversification policy and current crop of licence applications otherwise?), this might also be expected to cause an increase in parking problems, too. Neither the hostel nor the FBI has a car park and parking is strictly limited on Shore Street. This means that there is already pressure on parking near the homes in Argyle Street behind the hostel, with current hostel users already reluctant to use the free car park on the other side of the village.

Objection

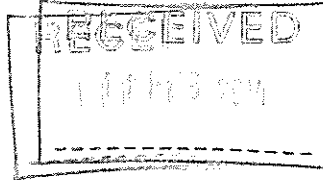
Our preference would be for this application to be refused, primarily on grounds of over provision in this neighbourhood and also taking into account the other objections referred to above.

If, nevertheless, the licence is granted we would strongly urge the Board to totally reject the proposal for an outdoor drinking area and any licence should reflect that exclusion. Nor should any music or live entertainment be permitted outside the hostel building. The prevention of public nuisance is our priority.

Yours faithfully.

Ms W A Boden and Mr R A Shackleton

Council Offices
High Street
Dingwall
1V 15 9 QN.



St Enoch
25 Shore Street
Ullapool
1V 26 2 UT
10th Feb '14

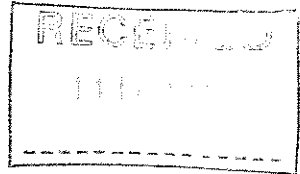
Dear Sir

I am very unhappy about the application by the Ullapool Youth Hostel for the grant of a premise license.

As a youth I made full use of the YHA and SYHA, and I doubt if it would have been with my parents approval had the premises been licensed.

I feel that if you proceed with this application and grant a licence, you could deprive modern youngsters of the benefits of this organisation.

Yours sincerely,



The Highland Council
Comhairle na Gàidhealtachd

REPRESENTATIONS OR OBJECTIONS IN RELATION TO A PREMISES LICENCE APPLICATION UNDER THE LICENSING (SCOTLAND) ACT 2005

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1. Full Name and Address of person making objection/representation:

NIGEL RAYMOND JORDAN ARGYLL HOTEL, 18 ARGYLE STREET ULLAPOOL 1026 2UR	
Telephone Number:	01854 612422
Email Address:	njordan501@aol.com

2. Address of Premises in respect of which objection / representation is made:

ULLAPOOL YOUTH HOSTEL SHORE STREET, ULLAPOOL 1026 2UJ
--

3. Details of any OBJECTION: (complete only if you consider one of the ground for refusal apply)

State ground of objection (refer to ground of objection by number, see guidance notes, and give details): (Continue on separate sheet if necessary)	
1. Excluded Premises	3 and 5 Please see attached sheet.
2. Off-Sales Hours/24 hour drinking	
3. Licensing Objectives	
4. Activities/Premises/Customers	
5. Over Provision	

4. Details of any REPRESENTATION: (complete only if you wish to make a representation in respect of the application)

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1. in support of application	
2. seeking an amendment to the operating plan, or	
3. seeking to add additional conditions to the licence	

Signature:...

Date... 10/2/14

OBJECTIONS CONTINUED -

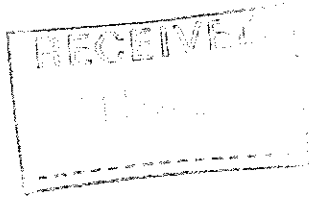
3. I would query the ethos of the SYHA itself so far as children are concerned and the Licensing Objective in this regard if the Youth Hostel is licensed and alcohol is readily available. If a child is with an adult that could presumably be someone who has just reached 18 and not being their parent or guardian.

5. If the SYHA is not a members club there is surely one provision in the small village of Ullapool where there are already 9 bars (pop total 1700 approx and that is roughly)

The businesses try to survive the winters in a very seasonal place and this would place further financial problems. The Broom Bar had to close 2 years ago.

* If it is a members club I would point out that anyone can become a temporary member on the day.

10/2/14.



m i d d l e t o n r o s s



Est 1899



& a r n o t

solicitors & estate agents

Our ref: GCM/SET/LETBE01

Your ref:

11 February 2014

Clerk to the Licensing Board
The Highland Council
County Buildings
DINGWALL

Mansefield House
7 High Street Dingwall
Ross-shire IV15 9HJ

Telephone: 01349 862214
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DX Box 520582 Dingwall
LPI Dingwall
mail@middletross.co.uk
www.middletross.co.uk

Dear Sir

**MR AND MRS E J LETBY
14 SHORE STREET, ULLAPOOL
APPLICATION FOR NEW CERTIFICATE FOR ULLAPOOL YOUTH HOSTEL, SHORE
STREET, ULLAPOOL**

The above application has been brought to the attention of our clients, Mr and Mrs Letby of the property at 14 Shore Street close to the Youth Hostel.

They object to the granting of an on-sale and off-sale licence for these premises on the grounds that:

- 1 There is ample provision for such sales of alcohol in Ullapool even in the summer months when there is an influx of tourists and the Youth Hostel may be busy. The Ferryboat Inn, the Argyll Hotel, the Seaforth Inn, the Royal Hotel, the Arch, the Caledonian Hotel and the Ceilidh Place are all within easy walking distance.
- 2 Changing the nature of the Youth Hostel into licensed premises seems particularly inappropriate. If it is intended simply to serve residents of the hostel, there are plenty other options available as we have stated above. If it is intended to turn it into some sort of venue for public events, again it seems particularly inappropriate given that there are no parking facilities and the hostel is situated right on the pavement of a busy street.
- 3 The provision of alcohol and the resultant influx of patrons is likely to lead to noise and disturbance as a result of people spilling out on to the street and sitting on the sea wall opposite and generally detracting from the residential nature of this part of Shore Street.

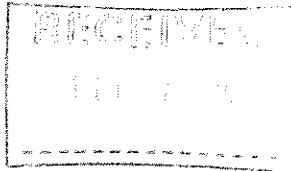
Please acknowledge receipt of these objections.

Yours faithfully



George C. Muirden, Ian R. Hanvidge, John A. Maxwell. Associate: Sheena M. Macleod

Also at 76 High Street, AIness IV17 0SG Telephone: 01349 882870



Strathmore
21 Shore Street
Ullapool
IV26 2UJ

Alisdair Mackenzie
Clerk to the Licensing Board
Council Offices
High Street
Dingwall
IV15 9QN

05/02/2014

Dear Mr Mackenzie,

**Grant of Premises Licence
Ref: CM/HC/RSL/1692**

Application of Premises Licence by SYHA (Trading) LTD

I am co-owner of the property adjoining the youth hostel on the western side and would like to **object** strongly to the above application on the following grounds:

1) Disturbance in a Residential Area

The use of the premises for the sale of alcohol both on and off is likely to cause undue public nuisance, a possible threat to public order and safety in what is predominantly a residential area. Approximately 80% of the street is privately owned residential property.

2) The large number of licenced premises already in the locality-

There are currently eight licenced premises within a 500metre radius of the youth hostel. I deem this to be already a sufficient number in a village of this size, where alcohol related issues are not uncommon.

3) Public Nuisance

The regular extension of opening hours to 01.00am and permission to hold musical events and dancing would cause undue public nuisance in a predominantly residential area. Examples of current problems, which could be exacerbated by the coming and going of non-resident clientele, are noise and disturbance

late at night, litter and broken glass in the street, on the shore and in rear gardens and damage to parked vehicles.

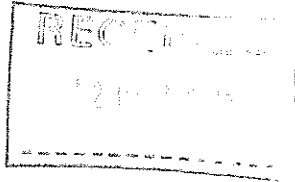
4) Insufficient Parking

Parking on Shore Street is already an issue for residents of both the hostel and the surrounding properties, which would be exacerbated by non-resident clientele.

I personally do not support a charitable body encouraging alcohol consumption by rural youth. I understand that there are several other residents in the area who share these concerns. I intend to consult local church bodies, as I imagine they would not support such an application.

Yours sincerely,

George William MacKenzie Hobbs



Strathmore
21 Shore Street
Ullapool
IV26 2UJ
marian.hobbs@hotmail.co.uk

Alisdair Mackenzie
Clerk to the Licensing Board
Council Offices
High Street
Dingwall
IV15 9QN

02/02/20014

Dear Mr Mackenzie,

Grant of Premises Licence
Ref: CM/HC/RSL/1692

Application of Premises Licence by SYHA (Trading) LTD

I am co-owner of the property adjoining the youth hostel on the western side and would like to **object** strongly to the above application on the following grounds:

1) Disturbance in a Residential Area

The use of the premises for the sale of alcohol both on and off is likely to cause undue public nuisance, a possible threat to public order and safety in what is predominantly a residential area. Approximately 80% of the street is privately owned residential property.

2) The large number of licenced premises already in the locality-

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3) Public Nuisance

The regular extension of opening hours to 01.00am and permission to hold musical events and dancing would cause undue public nuisance in a predominantly residential area.

Examples of current problems, which could be exacerbated by the coming and going of non-resident clientele, are noise and disturbance late at night, litter and broken glass in the street, on the shore and in rear gardens and damage to parked vehicles.

4) Insufficient Parking

Parking on Shore Street is already an issue for residents of both the hostel and the surrounding properties, which would be exacerbated by non-resident clientele.

I personally do not support a charitable organization like the SYHA encouraging the consumption of alcohol. I understand that there are several other residents in the area who share these concerns. I intend to consult local church bodies, as I doubt they would not support such an application either.

Yours sincerely,

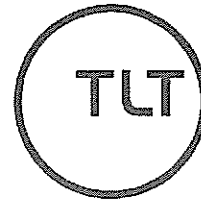
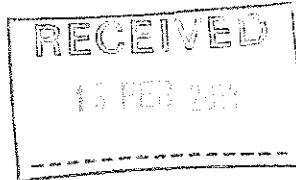
Marian Mackenzie Hobbs

TLT Scotland
Limited

140 West George Street
Glasgow G2 2HG
T +44(0)141 353 0035
DX GW138 Glasgow
LP10 Glasgow 6

www.TLTsolicitors.com

Our ref SMcG/SB/085271/
Your ref



The Clerk
Highland Licensing Board
Council Offices
High Street
DINGWALL
IV15 9QN

Direct tel +44 (0)141 353 7773 Date 12 February 2014
Direct fax +44 (0)141 353 7730 Email Stephen.mcgowan@TLTsolicitors.com

Dear Sir,

Licensing (Scotland) Act 2005
Application for grant of a premises licence
Ullapool Youth Hostel, Shore Street, Ullapool, IV26 2UJ
Punch Partnership Limited

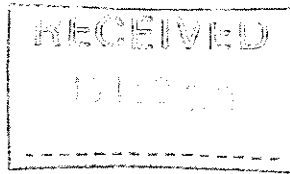
I act on behalf of Punch Partnership Limited, who are the holders of the premises licence at The Argyll Hotel, 18 Argyll Street, Ullapool, IV26 2UB. My clients wish to object to the application for the above premises licence on the following grounds:

- S.23(5)(c): My clients note that the application relates to a Youth Hostel and have concerns that the licensing objectives may be imperilled by the grant of a licence pertaining to a premises which is frequented by persons who are under 18 years of age.
- S.23(5)(d): They would also question whether the premises is a suitable premises in respect of the grant of a licence where it is one where it is most commonly frequented by persons who are of the age 18 or under.
- S.23(5)(e): My clients advise me that in their estimation there are some nine licensed premises in the vicinity of the application premises, and take the view that the area is sufficiently provided for. They therefore believe that the grant of a further premises licence would lead to over-provision.

My clients would be grateful if the Licensing Board ~~would~~ take these views into account in deliberation ~~of~~ the above application.

Yours sincerely,

Stephen McGowan
Director - Head of Licensing (Scotland)
for TLT Scotland Limited



REF: CM/HC/RSL/1692

FROM: ANBUS M MURPHY
12 ARBLE STREET
ULLAPOOL
IU26 2UB

DEAR SIRS,

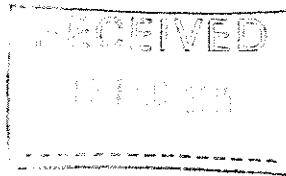
I WISH TO OPPOSE THE LICENCE APPLICATION FOR :-
ULLAPOOL YOUTH HOSTEL, SHORE STREET ULLAPOOL IU26 2UT

MY OBJECTION IS ON THE FOLLOWING GROUNDS :-

- 1) PROTECTING & IMPROVING PUBLIC HEALTH: THE SELLING OF ALCOHOL ON THESE PREMISES WOULD NOT PROTECT NOR IMPROVE PUBLIC HEALTH.
- 2) PROTECTING CHILDREN FROM HARM: BY DEFINITION THE FACILITIES ARE A YOUTH HOSTEL THEREFORE PREDOMINANTLY UTILISED BY YOUTHS. THE SELLING OF ALCOHOL DOES NOT SUPPORT THE YOUTH HOSTEL AIMS.

ALSO ACTIVITIES LISTED IN THE APPLICATION INCLUDE "MAGICIANS" - "FACE PAINTING". THIS WOULD INDICATE CHILDREN ARE PART OF THE YOUTH HOSTEL SET UP SO HAVING ALCOHOL AVAILABLE WOULD ~~BE~~ ^{MAKE} THE RISK OF UNDERAGE CONSUMPTION A HIGH POSSIBILITY?

Yours Sincerely



17a Argyle street
Ullapool
IV26 2UB

11th February 2014.

Your ref: CM/MC/RSL/1692

Alasdair Mackenzie,
Clerk to the licencing board

Dear Sir,

As a property owner in close proximity to the SYHA hostel I am concerned by their plans as submitted to your board, and wish to raise objection to these plans.

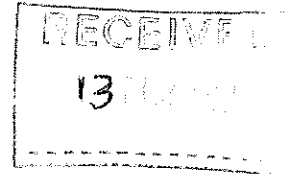
Within 100 metres of the hostel there are already two hotels offering similar facilities. I believe a third in such a small area of the town would be to the detriment of an otherwise well established and calm residential part.

The application, as submitted, would appear to show a radical change in SYHA policy which is certainly not within that organization's original ethos.

To date, since it started, the hostel has been well run and has provided a valuable and unique addition to the town's facilities. To make this into another multi-function hotel, with, seemingly, a strong emphasis on the sale of alcohol, would be less satisfactory, both for the immediate area, and for the town.

Yours sincerely,

Sandy Watters



e-mailed @ 1605hrs
on 13/2/14.

**REPRESENTATIONS OR OBJECTIONS IN RELATION TO A PREMISES LICENCE
APPLICATION UNDER THE LICENSING (SCOTLAND) ACT 2005**

Please read the Board's Guidance Notes on How to Object or make Representations in relation to a Premises Licence Application before completing this form. This form when completed should be returned to the nearest office of the Licensing Board using the contact details in the guidance notes. Remember, if an objection is rejected by the Board as frivolous or vexatious, the Board may seek to recover expenses from the objector or person making representations

1. Full Name and Address of person making objection/representation:

Janis Breckenridge and David Falconer Mo Beag 15 Argyle Street ULLAPOOL IV26 2UB	
Telephone Number:	01854 612718
Email Address:	dave@theaerie.co.uk

2. Address of Premises in respect of which objection / representation is made:

Ullapool Youth Hostel, Shore Street, Ullapool IV26 2UJ (Your ref: CM/HC/RSL/1692)

3. Details of any OBJECTION: (complete only if you consider one of the ground for refusal apply)

State ground of objection (refer to ground of objection by number, see guidance notes, and give details): (Continue on separate sheet if necessary)		
1.	Excluded Premises	3. Licensing Objectives – we feel this application is inconsistent with licensing objectives particularly with respect to preventing public nuisance. Please see covering letter for further details. 5. Over Provision – we feel this license is unnecessary due to the number (8 fully licensed and 2 for off-sales) of other licensed premises within a 5 minute walk of the Ullapool Youth Hostel. Please see covering letter for further details.
2.	Off-Sales Hours/24 hour drinking	
3.	Licensing Objectives	
4.	Activities/Premises/Customers	
5.	Over Provision	

4. Details of any REPRESENTATION: (complete only if you wish to make a representation in respect of the application)

State details of any representation (refer to representation by number, see guidance notes, and give details): (Continue on separate sheet if necessary)	
1	in support of application
2	seeking an amendment to the operating plan, or
3	seeking to add additional conditions to the licence

Signature:..... Date: 12th February 2014

15 Argyle Street
Ullapool
Wester Ross
IV26 2UB

Clerk to the Licensing Board
Council Offices
High Street
Dingwall
IV15 9QN

F.A.O. Catherine MacLennan

Your Ref: CM/HC/RSL/1692

12th February 2014

Dear Ms MacLennan,

Licensing (Scotland) Act 2005
Application for Grant of Premises Licence
Neighbour Notification - Ullapool Youth Hostel, Shore Street, Ullapool, IV26 2UJ

Thank you for your letter of 22nd January regarding the above application.

15 Argyle Street, our home, is situated behind the Youth Hostel on Shore Street and directly overlooks the garden to the rear of their building.

We have major concerns regarding the application by the Scottish Youth Hostel Association and ask that the licensing board note our objections and REFUSE the application for the reasons which we have outlined below, grouped according to the "Grounds for Refusal" stated in your letter.

Inconsistent with Licensing Objectives

With reference to the Application Operating Plan "questionnaire section", a copy of which you were kind enough to supply us with, we believe that the following information supplied by the applicant is contrary to statements made in the Council's *Licensing Board Policy Statement 2013 – 2016*:

- The applicant, the Scottish Youth Hostel Association, is a charity and club whose income is derived from membership subscriptions (see <http://www.syha.org.uk/about-us/about-syha.aspx>). The application seems to make no provision for the restriction and control of access by non members in accordance with Section 2.8.
- The Operating Plan Question 6 indicates that children will be permitted access in all public areas at all times. There is no indication on the Layout which formed part of the Application whether there will be a bar counter created, but if so then there is no provision in the Operating Plan for compliance with Appendix 7 paragraphs (a) and (b).
- The Operating Plan Question 5 indicates that Live performances of varying kinds will have an end time no later than 0100 hours. This is in accordance with Appendix 7 paragraph (i) but is contrary to the "Premises in a Residential Area" conditions stated in Appendix 10.
- The Youth Hostel is currently occasionally let through the RentaHostel scheme, which allows parties to have exclusive use of the premises. On these occasions it is our understanding that there are no members of staff from the Youth Hostel in attendance, which would be contrary to various Sections requiring alcohol sales to be performed by a Personal

License holder or a suitably trained staff member.

Activities

Whilst the applicant may not take up the opportunity to host all the activities in the application, we have to base our consideration of the application on the potential that it provides.

The provision of an outdoor drinking facility in the rear garden of the Youth Hostel is of particular concern. The position of our home on Argyle Street means that any noise from the garden can be heard clearly within the house. From discussions we are having with Robin Fraser in the Council's Environmental Health department, we are aware of a requirement that sound levels at bedroom windows should not exceed 35dB. Our bedroom windows are within 4m of the Youth Hostel's boundary on Argyle Street, so the proposed maximum allowable sound level for live events of 85dB will make that level impossible to achieve.

The kind of events that the Youth Hostel will attract will likely be those associated with medium to large groups of people: wedding receptions, conferences, student groups etc. We have only experienced one event recently when a group of hostellers held a party that included outdoor revelry until the early hours. This occurred during the festive season when the hostel was booked under the RentaHostel scheme and therefore there was no supervision however we would not want this becoming a regular occurrence under any circumstances.

Over Provision

Ullapool as a whole is not short of licensed premises, and the Shore Street/Argyle Street area is particularly well served, there being eight (8) premises for both on and off sales within a five minute walk of the youth hostel and a further two (2) which provide off sales within the same distance. Specifically these are:

Premises	Type of Sales	Distance (approx.)	Walking Time (approx.)
The Ferry Boat Inn	On and Off	<50m	< 1 minute
The Argyll Hotel	On and Off	50m	< 1 minute
The Royal Hotel	On and Off	200m	< 2 minutes
The Frigate	On and Off	150m	< 2 minutes
The Seaforth	On and Off	225m	2 minutes
The Arch Inn	On and Off	450m	< 5 minutes
The Caley Inn	On and Off	300m	4 minutes
The Ceilidh Place	On and Off	450m	< 5 minutes
Loch Broom Filling station	Off	150m	< 2 minutes
Tesco supermarket	Off	<600m	5 minutes

The locations of these sites are indicated on the enclosed map.

The Licensing Board Policy Statement 2013 – 2016 gives the population of Ullapool as being 1,498 people. There are also other licensed premises in the village other than those listed above. It is difficult to see how the applicants could argue that they are intending to provide a service that is not already in existence in the community.

We are also concerned at the timing of the application. The initial posting of notifications of the application took place after the last community council meeting and the closing date for objections and representations is before the next, so we have been advised that the Community Council will not be discussing the matter. Consequently the application will not be considered by the wider Ullapool community where there may be many more individuals and businesses who have a comment to make than those covered by the statutory notification requirements.

If you require any further information from us, please do not hesitate to get in touch, either by email at dave@theaerie.co.uk or by telephone on 01854 612718.

Yours Sincerely

Janis Breckenridge

David Falconer

cc:

Kathy Ross, Ullapool Community Council, Spindrift, West Terrace, Ullapool IV26 2UU

Councillor Isabelle Campbell, Coach House, Glenshiel, By Kyle IV40 8HW

Councillor Ian Cockburn, Hillcrest, Tarvie, Strathpeffer, Ross-shire IV14 9EJ

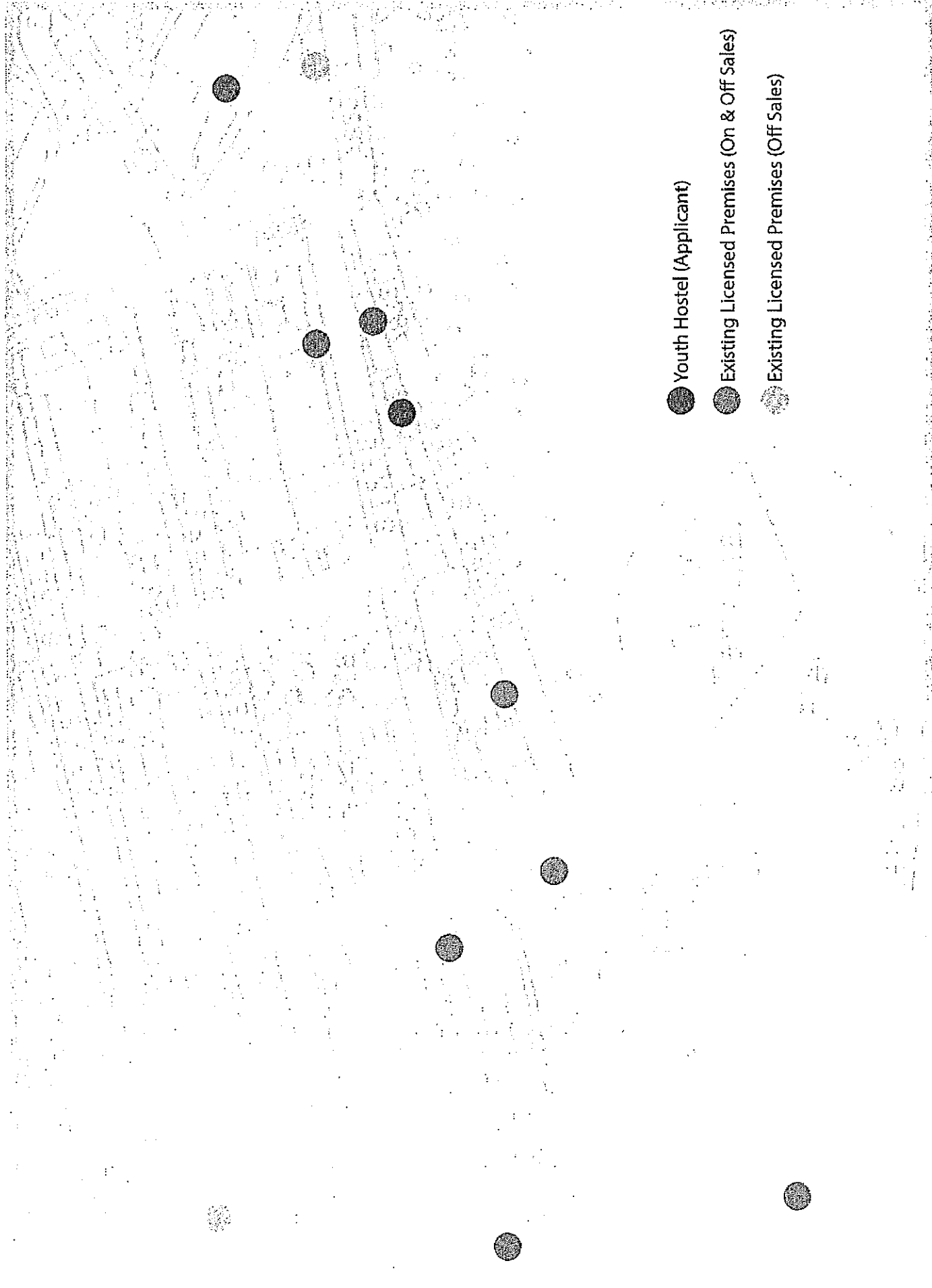
Councillor Richard Greene, 7 Burnside Terrace Strath, Gairloch, Ross-shire IV21 2BY

Councillor Audrey Sinclair, Carnmore, Badicaul, Kyle of Lochalsh IV40 8BB

Rob Gibson MSP, M4.06, The Scottish Parliament, Edinburgh EH99 1SP

Jean Urquhart MSP, M3.20, The Scottish Parliament, Edinburgh EH99 1SP

Rt Hon Charles Kennedy MP, House of Commons, London, SW1A 0AA



● Youth Hostel (Applicant)

● Existing Licensed Premises (On & Off Sales)

● Existing Licensed Premises (Off Sales)

Catherine MacLennan

From: Dave Falconer <dave@theaerie.co.uk>
Sent: 13 February 2014 16:05
To: Catherine MacLennan
Subject: Objection to License Application for Ullapool Youth Hostel
Attachments: SYHA objection ProForma.pdf; Objections to SYHA Licence Application.pdf; SYHA Licence Application Map copy.pdf

Dear Catherine,

Thank you for being willing to take our objection to the above application by email. Please find attached three PDF documents:

1. A completed Objection ProForma
2. A covering letter giving further details of our objections
3. A map showing the existing licensing provision within the pertinent area of Ullapool.

I would appreciate it if you could acknowledge receipt of this email and its associated attachments.

If you require any further information from us please do not hesitate to get in touch either at this email address or by telephone on 01854 612718.

Many Thanks

Dave Falconer.

