

## The Highland Licensing Board

Meeting – 1 April 2014

Agenda Item	9.2
Report No	HLB/037/14

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

#### Report by the Clerk to the Licensing Board

##### Summary

**Ref: HC/RSL/1691**

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

**Premises:** Torridon Youth Hostel, Fassaig, Achnasheen, IV22 2EZ

**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 at the head of upper Loch Torridon.

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 Four objections have been received in respect of the application as detailed in Appendix 1.

## **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 in Torrington 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 are situated in their own grounds on the south-eastern outskirts of Torrington.

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 the shop which is operated from a service hatch 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, services and seasonal variation referred to in the operating plan are appropriate for this type of operation.

There are no nearby residential properties and a condition restricting the use of the outdoor drinking area is not considered necessary.

## **6.00 Suggested Conditions**

### **6.1 Local Conditions**

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.

## 7.0 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/1691

Date: 3 March 2014

Author: AHM/CM

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

Appendix 1: Objections Torridon Youth Hostel.

OBJECTIONS/REPRESENTATION – TORRIDON YOUTH HOSTEL(NEW PREMISES LICENCE) – Case reference number:- HC/RSL/1691

Glynis D. Meredith, The Boatyard, Alligin, IV22 2HB  
Objection received – 6 February 2014

Sandra E B Brown, Schiehallion, Fasag, Torridon, Achnasheen, IV22 2EZ  
Objection received – 11 February 2014

Miss M J Harris, The Flat, Torridon Stores & Café, Fassaig, Torridon, by Achnasheen, IV22 2EZ  
Objection received – 13 February 2014

Mr Thomas J. Lambert, Heather Cottage, Fassaig, Torridon, IV22 2EZ  
Objection sent by e-mail at 1622 hrs on 13 February 2014.

RECEIVED

FEB 13

Mrs G D Meredith  
The Boatyard  
Alligin  
IV22 2HB

Clerk to The Highland Licensing Board  
Council Offices  
High St  
Dingwall  
IV15 9QN

3<sup>rd</sup> Feb 2014

Dear Sir,

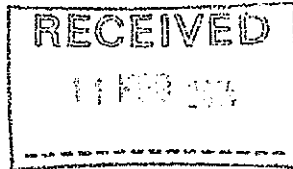
with regard to the Licensed Premise application by the Torridon Youth Hostel.

I wish to strongly object to the application for both on and off sales.

In particular the off sales will have a significant impact on the local Torridon stores and cafe. We consider ourselves very fortunate that Ms Jo Harris purchased the shop after it had been closed for two years and through very hard work has made it into the heart of the community. The late Donnie MacDonald ran the shop for 40 years and was only able to make a modest profit in more recent years because of the alcohol sales. It is a known fact that village shops in remote areas struggle to survive and if the Highland Council grant this application they will be putting the future of our village shop at risk.

Yours sincerely,

Glynis Meredith



Schiehallion,  
Fasag,  
Torridon,  
Achnasheen,  
IV22 2EZ

6<sup>th</sup> February 2014

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

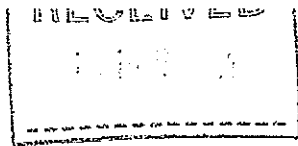
Dear Sir,

I write to you with regard to the Licensed Premise application by Torridon Youth Hostel. I wish to object most strongly to the application for both on and off sales.

I think the off sales would have a great impact to our local shop and café. Ms Harris provides a great service to our community which was without a shop for two years. Village shops in remote communities struggle to keep open and I therefore ask the Highland Council to consider this fact.

Yours faithfully;

Sandra E. B. Brown (Mrs)



Your Ref: CM/MC/RSC/1691

The Flat,  
Torridon Stores + Cafe,  
Fassaig,  
Torridon,  
By Achnasheen  
Ross-shire  
IV22 2EZ  
12/2/2014.

Dear Mr. Mackenzie,

Licensing (Scotland) Act 2005  
Application for grant of premises license (On + off sales)  
Premises - Torridon Youth Hostel, Fassaig, Achnasheen  
IV22 2EZ

I am writing with regard to the application for the grant of a new premises license made by the SYHA on behalf of Torridon Youth Hostel (TYH). I have been aware for sometime that there was a proposal to apply for a premises license for On-Sale at the hostel but was very surprised & concerned to learn that the application also included provision for Off-Sales. I note that the SYHA application appears to be a standard one from Head Office & wonder whether it takes into account the situation of the TYH within our small community as opposed to a remote isolated hostel without any local facilities.

Since re-opening the Torridon Stores in 2010, I have been fortunate to experience the way in which the local businesses, <sup>+ residents</sup> co-operate & promote each other helping to over-come some of the obstacles of operating in the Highlands. Over the last 2 years,



we have enjoyed good relations with the Hostel team which have been mutually beneficial. I would not wish to affect this co-operation & I am therefore reluctant to make representation concerning this application.

However, I am concerned about the effect that granting the license, in particular the Off-Sales would have on The Tomdon Stores & Cafe. Although highly subject to the effects of seasonality & tourists, (including the Hostel & campsite), The Stores, unlike other facilities in Tomdon, does remain open all year & provides employment for local residents.

Whilst I appreciate that the Licensing Board can only reject an application on the basis of the 5 licensing objectives, I am concerned that the supervision of licensed Premises could prove onerous for one Duty Manager responsible for the Hostel (49 bed capacity), staffing the reception desk & dispensing drinks (which I understand from the Manager will be restricted to 1700-2250 hrs rather than those stated in the application). In particular, the inclusion of Off-Sales could result in increased "traffic" to & from the Hostel (particularly to the adjacent campsite), increasing noise levels in what is generally a quiet residential area.

Whilst I understand that the Licensing Board does not generally take into account "small

(3)

Scale premises" when calculating over-provision, there are 3 licensed outlets (2 with Off-Sales) in Tomdon & others in nearby Kintochew & Sheldraig catering for a relatively small population. In view of the above, I would be grateful if the Board, together with the SYHA, could re-consider whether the inclusion of Off-Sales is in keeping with the Board's objectives & whether it is desirable & appropriate for an SYHA Hostel in Tomdon.

Yours Sincerely,

M. J. HARRIS (Miss)  
01445 791 400

RECEIVED

14 FEB 2014

**Catherine MacLennan**

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**From:** petepuffin@googlemail.com on behalf of Pete Meredith  
<pete@puffinrock.co.uk>  
**Sent:** 13 February 2014 16:22  
**To:** Catherine MacLennan  
**Subject:** Licence Application for Torridon Youth Hostel

Sent by e-mail  
on 13/2/14 @  
16:22 WWS

Ref: CM/HC/RSL/1691

Dear Catherine

Further to my phone call I am very concerned that the granting of this licence will have an adverse effect on the local Shop and Cafe. The shop was reopened in 2010 after being closed for several years. With the addition of a Cafe it has become a significant part of the community offering good service, quality, and value for money. However, margins are relatively small and alcohol sales add significantly to the viability of the business. I feel that the loss of significant sales could be serious for the shop's existence and both myself and my wife would hate to lose what has become a focal point in the village.

From

Mr Thomas James Lambert  
(Retired Police Constable 1397 Thames Valley)  
Heather Cottage, Fassaig, Torridon IV22 2EZ  
01445 791305

*PS Sent on behalf of Mr Lambert by Peter Meredith owing to lack of broadband coverage!*