

The Highland Licensing Board

Meeting – 12 August 2014

Agenda Item	9.2
Report No	HLB/090/14

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

Glenbrittle Youth Hostel, Glenbrittle, Isle of Skye, IV47 8TA

Report by the Clerk of the Licensing Board

Summary

This Report relates to an application for a Premises Licence for Glenbrittle Youth Hostel, Glenbrittle, Isle of Skye, IV47 8TA.

1.0 Background

1.1 Glenbrittle Youth Hostel is located at the foot of the Cuillin ridge and offers accommodation to travellers and tourists.

1.2 On 25 June 2014 the Licensing Board received an application for the grant of a Premises Licence on behalf of the Applicant, SYHA (Trading) Ltd, from Lindsays. 1 Royal Bank Place, Glasgow, G1 3AA.

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

1.3 The application was publicised during the period 2 to 23 July 2014 and confirmation that the site notice was displayed has been received.

1.4 Eight timeous notices of objection have been received as follows and are appended to the Report:-

- Christopher John MacRae Whitty
- Frank Johnstone
- Dr John Black Irving on behalf of The Glen Brittle Memorial Hut Trust
- Marion and John Wishart
- Hugh MacRae on behalf of residents of Glenbrittle
- Minginish Community Council
- T J M Winter
- J Sandra Winter

1.5 In accordance with standard procedure, Police Scotland, Scottish Fire and Rescue Service, the Council's Community Services (Environmental Health), Planning and Building Standards were consulted on the application.

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

No objections or representations have been received from these agencies.

1.6 Late objection

A late objection has been received on 29 July, after the deadline. As such it cannot be considered automatically and has not been circulated. The Board may, having heard from the late objector and the applicant, consider the late objection if:

- (a) the failure is due to mistake, oversight or other excusable cause, and
- (b) the Board considers it appropriate in all the circumstances to relieve the failure to meet the deadline.

The letter will be circulated to the Board if it agrees to consider it.

1.7 The applicant and the objectors have been invited to attend the Hearing.

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 Thursday: 1100 to 2400
Friday to Sunday: 1100 to 0100

The applicant seeks the following **off-sale** hours:-

Monday to Sunday: 1000 to 2200

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 Strategy
- (iv) Schedule of Local Conditions

5.0 Licensing Standards Officer

The LSO has provided the following comments:-

- The core hours applied for are within the policy hours of the Highland Licensing Board;
- The activities sought would appear to be reasonable for the proposed operation;
- There is no bar counter within the premises and the children's policy is considered suitable for the proposed operation of the premises and is within the policy of The Highland Licensing Board;
- The layout plan submitted with the application complies with the required specifications;
- There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives and the premises would appear to be suitable for use for the sale of alcohol in accordance with the proposed application.

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

If the application is approved, it is recommended that the following local condition be attached:

- 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.

6.3 Mandatory Condition – Late Opening Premises

When the premises are operating as Late Opening Premises ie. the Festive Policy, then the following mandatory condition will apply:

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

6.4 HLB Special Condition

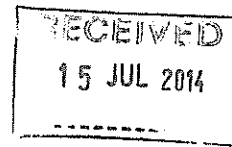
When the premises are operating as Late Opening Premises ie. the Festive Policy, then the following condition will apply:-

A designated person who is the holder of a personal licence must be present on the premises from 0100 hours.

Recommendation

The Board is invited to determine the above application and the proposed conditions detailed at paragraphs 6.2, 6.3 and 6.4 above.

Designation:	Clerk of the Highland Licensing Board
Reference:	HC/RSL/1708
Date:	29 July 2014
Background Papers:	The Licensing (Scotland) Act 2005 / Application Form
Appendix:	Eight objections as listed in the Report



**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:

Christopher John MacRae Whitty, Droebhal, Glen Brittle, Isle of Skye	
Telephone Number:	07899652705
Email Address:	c.whitty@doctors.org.uk

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

Glanbrittle Youth Hostel, Glenbrittle, Isle of Skye

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	Grounds of objection are 4 (location of premises) and 3 (Licensing objectives- public nuisance). 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)

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 and 3 Seeking an amendment and to add additional conditions, if approved. See attached sheet
2.	seeking an amendment to the operating plan, or	
3.	seeking to add additional conditions to the licence	

Signature...

.... Date 12/7/14

- I would like to object to the Glenbrittle Youth Hostel having a licence as applied for. This view is shared by most neighbours in the glen. The grounds of objection are 4- location of premises- and 3 Licensing objectives.

The real problem with this application is the location and form of the application. Climbers staying at the youth hostel having a beer after a long climb in the evening is not a problem- the Youth Hostel is quite isolated. It is all the non-residents that would use it that cause the issue.

As written with on and off sales throughout the day the Youth Hostel would become the alcohol outlet for the campsite. This has several major problems.

Public nuisance (3) and location (4).

a) People at the campsite would have to walk or drive to the youth hostel- but can only get there and back through the farm and several houses, and passing many houses in the glen, including ones with children and elderly residents. This increased traffic at night would itself be very noisy for the residents at the farm and surrounding houses.

b) If they were driving after drinking (making an assumption they are a long way from the police) this could be worse than a nuisance and could become dangerous. Most campers are very reasonable, but not all.

c) For campers themselves there is a serious risk that a minority after a few drinks coming back late at night would be very unpleasant for the majority- who only have canvas between them and the drinkers. Most people, including many families with small children, come to Glen Brittle for its quiet unspoiled nature. Successive camp wardens have tried to minimise alcohol so as to prevent a small minority spoiling it for everyone. There is a big difference between people who have a few beers in their own tent, and stumbling back through the campsite at night.

If the sale of alcohol was restricted only to residents of the Youth Hostel in the evening this would not be a problem, but as written this is asking for prolonged trouble both for the residents of the glen, and for many campers and other visitors, especially in the evenings.

Christopher John MacRae Whitty

Carol Nicolson

From: Frank Johnstone <frank.johnstone@btopenworld.com>
Sent: 16 July 2014 11:31
To: Service Centre - Alness
Subject: liquor license objection

**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:

Frank Johnstone	
Telephone Number:	
Email Address:	

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

Glenbrittle Youth Hostel, Glenbrittle, Carbst, Isle of Skye, IV47 8TA

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 4
2.	Off-Sales Hours/24 hour drinking	This open-ended application is unacceptable for the glen. Functioning as a pub for passing trade, camp site etc. will cause disruption and potential risk, particularly around the farm buildings.
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:**.....16/07/14.....



RECEIVED
18 JUL 2014

**REPRESENTATIONS OR OBJECTIONS IN RELATION TO A PREMISES LICENCE
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1. Full Name and Address of person making objection/representation:

Dr. John Black Irving Gardnershall, Linlithgow EH49 7RQ	
Telephone Number:	01506 842565 07890471662
Email Address:	Johnirving40@gmail.com

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

Scottish Youth Hostels Association Glen Brittle By Carbst Isle of Skye IV47 8TA

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	
2.	Off-Sales Hours/24 hour drinking	☒
3.	Licensing Objectives	☒
4.	Activities/Premises/Customers	☒
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3.	seeking to add additional conditions

to the licence	
----------------	--

Signature:

.. Date 17/7/2014 ..



The Glen Brittle Memorial Hut Trust

OBJECTION IN RELATION TO A PREMISES LICENCE APPLICATION MADE BY THE

Scottish Youth Hostel Association for Glen Brittle Youth Hostel.

The objections are made on behalf of the Glen Brittle Memorial Hut Management Committee, a committee with representatives from the British Mountaineering Council and the Mountaineering Council of Scotland who manage the Hut on behalf of the Trustees .

The grounds of objection are Licensing objectives (no. 3) and Activities/location (no.4)

3 Licensing objectives.

Glen Brittle Youth Hostel is situated in a remote glen with a small resident population and is in the middle of an active farm, well stocked with sheep and cattle. Should there be any disturbance requiring police presence, the nearest police station is in Portree. The ready availability of alcohol in this remote glen must raise the risk of public nuisance, for example from stag/hen parties. Since the alcohol is sold in bottles, the risk to animals from glass thrown from cars or simply left must increase. There are no facilities for glass recycling in Glen Brittle, nearest being in Carbost.

I understand that those living in the Glen have made a formal objection. Our Committee would wish to strongly support their views. Other rural areas in Scotland have experienced difficulty in managing alcohol related parties. For example the Loch Lomond and Trossachs National Park now have a very strict policy in relation to wild camping.

4 Activities/location.

Our mountain hut is the nearest building to the SYHA Hostel, just past the mountain rescue centre. Our members come for the unique mountaineering experience of the Cuillins, the fine scenery and the quiet, peaceful surroundings. While it would be perverse to state that no alcohol is consumed in the hut, this is strictly in private with the ethos of not disturbing the neighbours nor the general ambience of the glen. Glass is carefully recycled.



The Glen Brittle Memorial Hut Trust

The Trust is supported by the BMC and MC of S.

It was created in 1965 with funds donated to the BMC to build and maintain a hut in memory of all mountaineers who lost their lives in the Second World War.



Even the SYHA recommends the hostel for its location in excellent mountaineering country and unique wildlife habitat . Such a recommendation is at odds with selling alcohol both to hostel residents and to passing visitors. There is adequate provision in Carbost and Sligachan so that disturbing this unique, wild glen by the local availability of alcohol seems a step too far.

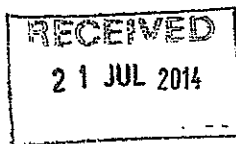
Conclusions.

Our hut is used by about 3000 mountaineers and walkers from throughout the UK. Few would wish to welcome this change to the general ambience of Glen Brittle and indeed many of our members share the hostility to this proposal demonstrated by those who live and work in Glen Brittle . On their behalf I wish to object most strongly .

Joseph B. Irving

17/7/2014

Chair Glen Brittle Memorial Hut Management Committee and Trustee .



21 Scotstarvit View
Cupar
Fife KY15 5DX
4th July 2014

Dear Sir,

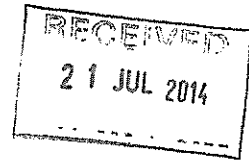
We wish to object strongly to the licence being applied for by the SYHA for the Glensinthe Youth Hostel

A drinks licence should not be granted for the following reasons:

- 1) the remoteness of Glensinthe, who will "police" such an environment? We have vivid memories of my father/father-in-law being called upon to assist camp-site wardens in years gone by; unruly incidents so often fuelled by alcohol even when there was no off-sales facility. What might it be like when there is ready availability in this tiny and remote glen?
- 2) For many years there has been only one warden on duty at the Y.H. Who is to support such a solitary soul? The glen is extremely busy with tourists - many, many individuals may wish to present themselves for alcohol.
- 3) What will happen when children are present?

- 4) there will inevitably be footfall / carfall between carpsite and hostel. This traffic passes through the centre of the community and we already know how it can be rowdy and unpleasant. (BT eventually moved the tel. box for this very reason).
- 5) Given the vagaries of Glenbottle weather it will be very tempting "just to drive", it's just down the road." Again, the remoteness of this glen leads us to believe there will be little in the way of patrols.
- 6) Offering alcohol from this establishment seems to go against the very ethos of a youth hostel. Indeed we know SYHA had rules which barred alcohol in this hostel.
- 7) the lack of parking at the hostel is already a concern. Cars, small coaches etc park on verges and passing places as the SYHA actually own very little ground.

yours faithfully,



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

HUGH MACRAE BURNSIDE GLENBRITTO ISLE OF SKYE IV 47 8TA		ON BEHALF OF RESIDENTS OF GLENBRITTO SKYE.
Telephone Number:	01478 640335.	
Email Address:		

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

SYHA HOSTEL GLENBRITTO ISLE OF SKYE IV 47 8TA.
--

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)											
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2.	seeking an amendment to the operating plan, or						
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Signature:..

..... Date... 18/7/14

Premises Licence Application by SYHA at Glen Brittle Youth Hostel

Grounds of Objection

3. Licensing Objectives

- Securing public safety:

There is very limited provision on the hostel premises for the supervision and monitoring of alcohol consumption, being limited to one warden.

There are no suitable safe facilities or amenities in which alcohol may be consumed elsewhere in Glen Brittle, and therefore no provision for the supervision and monitoring of alcohol consumption outwith the hostel.

In the event of an alcohol related incident or accident requiring emergency services, Glen Brittle is 25 miles from police and ambulance services, and there is no public transport.

- Preventing public nuisance:

Lack of public conveniences and refuse provision in Glen Brittle, except on hostel and campsite premises, means that people consuming alcohol freely in Glen Brittle will resort to relieving themselves and disposing of their rubbish freely in the glen. Local residents will therefore suffer the imposition of having such refuse dumped on them and of having to clean up after the consumers. This already happens during the tourist season with the current rapid increase in publicity of certain low level walking routes and the growing popularity of wild camping and fire lighting in the glen. The sale of alcohol at the hostel will further exacerbate the problem.

Lack of car parking facilities in the glen is already a problem during the tourist season owing to increased visitor numbers. Off sales and the use of the hostel as a venue will only increase the pressure on a limited existing number of parking spaces at the hostel and at the shore, and will lead to an increase in parking on roadside verges and fields, and in passing places. This in turn leads to increased risk of injury to people, livestock and property.

The potential for anti-social behaviour which may arise with an off sales licence in an area with no supervision will be both a public nuisance to other tourists, many of whom are families with young children, and to local residents, who are small in number and mostly aged over 60.

4. Activities / Premises / Customers

- Nature of proposed activities:

It is believed that SYHA would not have been granted a site in Glen Brittle on which to build their hostel if it had been the intention to sell alcohol on the premises. Indeed, it is thought that a clause was written into the feu charter to cover this aspect.

The sale of alcohol is at variance with the main purpose of youth hostelling, i.e. the provision of accommodation which allows access for all to the outdoors for the promotion of recreation, education and health. Hand in hand with the pursuance of these aims is the encouragement of an understanding and appreciation of the ongoing traditions, activities

and way of life of the people who live in the countryside. It follows that within hostelling there has been a long recognition of the need to encourage a responsible attitude towards remote places and communities, which would be jeopardised by the introduction of the sale of alcohol.

- Location character and condition of the premises:

The proposed activities are out of keeping with the character of Glen Brittle which is a remote glen served by 7 miles of single track road, in which the primary business is a hill farm, and secondary businesses are seasonal tourist accommodation at the hostel and campsite, both of which are basic and cater for mountaineers and hardy walkers who come here to experience the 'unspoilt', peaceful surroundings. Indeed, an absence of facilities such as alcohol provision has long been one of the features drawing people to the Glen.

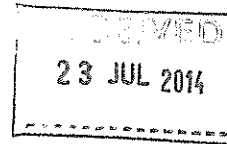
The proposed activities would be a severe overloading on what are very limited facilities at the hostel. Although the premises have recently been upgraded, this upgrade still simply caters for people using the overnight accommodation and does not include extra car parking or public conveniences. Nor does it deal with the problem of off sales alcohol consumption outdoors.

5. Over provision

There are currently 4 licensed premises within a 15 mile radius of Glenbrittle, these being the inn at Sligachan, an inn and a shop at Carbost and an inn at Portnalong.

All the undersigned residents of Glen Brittle strongly oppose the granting of any licence to sell alcohol at the SYHA hostel:

MINGINISH COMMUNITY COUNCIL



Alasdair MacKenzie
Clerk to the Licensing Board
Tigh Na Sgìre
Park Lane
Portree
IV51 9GP

Coorie Doon
6 Carbost Mor
Carbost
Isle of Skye IV47 8ST

Tel: 01478 640466
email: jimtowers@btinternet.com

21 July 2014

Dear Mr MacKenzie,

Licensing (Scotland) Act 2005. Application for Premises Licence. Glenbrittle Youth Hostel, IV47 8TA.

I refer to your letter dated 27 June 2014, ref HC/RSL/1708.

Minginish Community Council have received strong representations from the Glenbrittle community opposing this application, and have decided to support these objections as stated in the attached document forwarded to the CC by the Glenbrittle community group. It is our understanding that Glenbrittle community will be submitting their objections separately.

Yours sincerely,

JJ Jim Towers
Secretary

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Lack of car parking facilities in the glen is already a problem during the tourist season owing to increased visitor numbers. Off sales and the use of the hostel as a venue will only increase the pressure on a limited existing number of parking spaces at the hostel and at the shore, and will lead to an increase in parking on roadside verges and fields, and in passing places. This in turn leads to increased risk of injury to people, livestock and property.

The potential for anti-social behaviour which may arise with an off sales licence in an area with no supervision will be both a public nuisance to other tourists, many of whom are families with young children, and to local residents, who are small in number and mostly aged over 60.

4. Activities / Premises / Customers

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and way of life of the people who live in the countryside. It follows that within hostelling there has been a long recognition of the need to encourage a responsible attitude towards remote places and communities, which would be jeopardised by the introduction of the sale of alcohol.

- Location character and condition of the premises:

The proposed activities are out of keeping with the character of Glen Brittle which is a remote glen served by 7 miles of single track road, in which the primary business is a hill farm, and secondary businesses are seasonal tourist accommodation at the hostel and campsite, both of which are basic and cater for mountaineers and hardy walkers who come here to experience the 'unspoilt', peaceful surroundings. Indeed, an absence of facilities such as alcohol provision has long been one of the features drawing people to the Glen.

The proposed activities would be a severe overloading on what are very limited facilities at the hostel. Although the premises have recently been upgraded, this upgrade still simply caters for people using the overnight accommodation and does not include extra car parking or public conveniences. Nor does it deal with the problem of off sales alcohol consumption outdoors.

5. Over provision

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All the undersigned residents of Glen Brittle strongly oppose the granting of any licence to sell alcohol at the SYHA hostel:

21 JUL 2014

RECEIVED
24 JUL 2014

RECEIVED
23 JUL 2014

Gillean,
Dell,
Ramsch,
By Pithching,
Pesthouse.
19th July 2014.

Dear Sir,

We strongly object to the application for a premises licence for the Glenhittle Youth Hostel in Glenhittle, Co. Wick, side of Skye 1047 ST14.

We think it is completely inappropriate that the Youth Hostel should be given a licence as this would disrupt the Glen, causing more accidents on the narrow roads encompassing the area. This is a quiet Glen and it will interrupt the farming community there whose existence is on a shoe string anyway.

For those in need of alcohol there are many such establishments nearby at Cahost and there is no necessity for the Youth Hostel to be given a licence.

Yours sincerely,

Objection re licensing of
 SYHA Glen Brittle.
 RECEIVED
 23 JUL 2014
 Gillean
 Paul,
 Rannoch,
 by Hlochay
 PH17 2QH,
 July 18th 2014

LEGAL SERVICES HQ
 21 JUL 2014
 RECEIVED

Dear Sir or Madam,

I am a regular visitor to Glen Brittle since 1970.

I have been on the Committee for the Glen Brittle Memorial Hut there.

I am objecting to the provision of the licence to The Youth Hostel for the following reason.

Glen Brittle is essentially an area for visiting climbers and walkers. Folk on the campsite return year after year because of its peace and wilderness. Having alcohol available

within the Glen might very well mean that 'wilderness' would be broken.

Many of the folk purchasing alcohol from The YH. would arrive there by car. The nature of the road is challenging enough already without the possibility of drivers / passengers having had alcohol.

The road goes through residential areas and into the campsite. It is really not acceptable in this quite 'exceptional' area.

I am,
 yours faithfully