

The Highland Licensing Board

Meeting – 12 May 2015

Agenda Item	10.4
Report No	HLB/052/15

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

Sands Caravan and Camping, Gairloch, Ross Shire IV21 2DL

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of Premises Licence by the Partnership of William, Moira, James Cameron, Sands Caravan and Camping, Gairloch, Ross-shire, IV21 2DL.

1.0 Description of Premises

1.1 The premises were granted a licence, on transition, on 1st September 2009.

The premises currently operate as a shop with off-sales capacity within a popular caravan and camp site in Gairloch, Ross-Shire.

2.0 Current Operating Hours

Off Sales

Monday to Saturday 1000 hours to 2000 hours

Sunday 1230 hours to 1800 hours

3.0 Summary of Variation Application

3.1 Variation Sought

The applicant seeks to vary the premises licence as follows:-

1. Add on sales hours, Monday-Sunday: 11.00-24.00 hrs.
2. Increase off-sales hours: Monday to Saturday, 1000 hours to 2200 hours
Sundays 1100 hrs to 2200 hours.
3. Amend seasonal variation - premises will now trade from 1 March to 30 November each year.
4. To list activities and services during and outwith core hours add, restaurant facilities, receptions, clubs etc., outdoor drinking and, during core hours only, add music and live performances.
5. Add that the campsite shop and cafe will open prior to the commencement of licensed hours to provide activities and services for guests.
6. To other activities and services add charity and fundraising events.

7. Add children and young persons' policy to allow, at the discretion of the management, unaccompanied children and young persons within the cafe until 18.00 hrs each day after which children must be accompanied by an appropriate responsible adult.

8. Vary premises licence description to read:

'Single storey detached 50 x cover cafe and separate single storey convenience store selling groceries, hardware, camping equipment and toys within a caravan and camping site. There is no bar counter within the cafe.

9. Vary layout plan to include campsite café and outdoor drinking area.

10. Substitution of new premises manager.

4.0 Background

4.1 On 13 February 2015 the Licensing Board received an application for a major variation of a Premises Licence from Partnership of William, Moira, James Cameron, Sands Caravan and Camping, Gairloch, Ross-shire, IV21 2DL

4.2 The application was publicised during the period 23/03/2015 until 13/04/2015 and confirmation that the site notice was displayed has been received.

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

4.4 Notification of the application was also sent to NHS Highland and the local Community Council, (Wester Ross Strathpeffer and Lochalsh).

4.5 Further to this publication and consultation process, no timeous objections or representations have been received.

4.6 The applicant must nevertheless be given the opportunity to be heard before the Board determines the application and has accordingly been invited to the meeting. The applicant has been advised of the hearings procedure which may also be viewed via the following link:

http://www.highland.gov.uk/downloads/download/428/liquor_licence_objections_appeals_notices_of_determination

5.0 Legislation

5.1 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 grant of the application will be inconsistent with one or more of the licensing objectives;

2. having regard to (i) the nature of the activities carried on or 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, the Board considers the premises are unsuitable for use for the sale of alcohol in accordance with the proposed variation;
3. having regard to the number and capacity of licensed premises of the same or similar description as the subject premises (taking account of the proposed variation) in the locality in which the subject premises are situated, the Board considers that, if the application were to be granted, there would, as a result, be overprovision of licensed premises or licensed premises of that description in the locality.

5.2 The Board only has power either to grant the application and make a variation of the conditions to which the licence is subject or to refuse the application.

If the Board refuses the application, the Board must specify the ground for refusal and if the ground for refusal relates to a licensing objective, the Board must specify the objective in question.

6.0 Licensing Standards Officer

6.1 The LSO has provided the following comments:-

Sands Caravan and Camping, Gairloch is a busy, large campsite a short distance north west of Gairloch. Existing services include an unlicensed café and adjacent detached shop with off-sales capacity.

The operator now wishes to be permitted to sell alcohol for on-sales within the café and to amend the existing layout plan for the premises to include the café and an outdoor drinking area adjacent to it.

The café does not contain a bar counter but sales of alcohol will not be restricted to persons having a meal on the premises. The proposed range of activities, services and policies in respect of children and young persons are reasonable and appropriate for such premises and should not cause conflict with any of the licensing objectives.

The premises are remote from any private dwellings and the inclusion of an outdoor drinking area at the café should not cause any nuisance. It is not considered necessary to impose any time restrictions on the use of the outdoor drinking area.

7.0 HLB Local Policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-16
- (2) Highland Licensing Board Equality Strategy

8.0 Conditions

8.1 Mandatory Conditions

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

8.2 Local Conditions

There are no existing local conditions and it is not considered necessary to attach any.

8.3 Special Conditions

No special conditions are considered necessary.

Recommendation

The Board is invited to determine the above application.

If the Board is minded to refuse the application, the Board must specify the ground for refusal and if the ground for refusal is in relation to a licensing objective, the Board must specify the objective in question.

Reference: HC/RSL/0607

Date: 16 April 2015

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