

The Highland Licensing Board

Meeting – 14 June 2016

Agenda Item	7.1
Report No	HLB/047/16

Application for the grant of a premises licence under the Licensing (Scotland) Act 2005

Tigh Na Cheo, Garbhein Road, Kinlochleven, PH50 4SE

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the grant of a premises licence in respect of Tigh Na Cheo, Garbhein Road, Kinlochleven, PH50 4SE.

1.0 Description of premises

1.1 Tigh Na Cheo is situated in an elevated position within its own grounds in the village of Kinlochleven. The premises comprise of a 9 bedroom guest house and alcohol is sold solely on the premises to guests who have secured accommodation.

The licensed area comprises the dwelling house with adjacent outside drinking area. The ground floor of the premises comprises of one en-suite bedroom, breakfast room and a guest lounge. The first floor comprises of eight en-suite bedrooms. Private accommodation is located on the second floor of the premises.

Alcohol is dispensed via an honesty bar situated within the residents' lounge which is kept locked. Keys giving access are issued solely to guests who are over 18 years of age and this has been appropriately verified by the management.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1400 hours to 2300 hours

3.0 Background

3.1 On 27 April 2016 the Licensing Board received an application for the grant of a premises licence from Lewis Paterson Aberdeen Limited.

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

- 3.2 The application was publicised during the period 6 May 2016 until 27 May 2016 and confirmation that the site notice was displayed has been received.
- 3.3 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.
- 3.4 Notification of the application was also sent to NHS Highland. At the time of consultation, the local Community Council was not constituted.
- 3.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.6 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

4.0 Legislation

- 4.1 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 are: -

1. that the premises are excluded premises;
2. that the grant of the application would be inconsistent with one or more of the licensing objectives;
3. that 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,the Board considers the premises are unsuitable for use for the sale of alcohol, or
4. that 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 overprovision of licensed premises of that description in the locality.

4.2 If the Board would refuse the application as made, but a modification is proposed by them and accepted by the applicant, the application can be granted as so modified.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

- (i) The core hours applied for are within the policy of the Highland Licensing Board.
- (ii) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises. Alcohol will solely be sold to persons who have booked residential accommodation at the premises.
- (iii) The applicant proposes to operate an honesty bar. In order to ensure that all aspects of the licensing objectives are observed, the applicant has been advised to prepare a policy in relation to the management of the sale or supply of alcohol with regard to the honesty bar. Access to the honesty bar will be by way of key issued by the Premises Manager to adult guests following suitable age verification where necessary.
- (iv) The children's policy is considered suitable and is within the policy of the Highland Licensing Board.
- (v) The layout plans submitted comply with the required specifications.
- (vi) It is noted that an outdoor drinking area is proposed. It is not considered necessary to impose any restriction on its use.
- (vii) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- (viii) The premises would appear to be suitable for use for the sale of alcohol in accordance with the proposed application.

6.0 Policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (2) Highland Licensing Board Equality Strategy

7.0 Conditions

7.1 Mandatory conditions

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

7.2 Local conditions

No local conditions are considered necessary.

7.3 Special conditions

Having regard to the comments received from the Licensing Standards Officer relating to the operation of the honesty bar, the Board may wish to consider attaching the following special conditions:

- (i) A policy in relation to the management of the sale or supply of alcohol with regard to the honesty bar must be produced to the satisfaction of the licensing board.
- (ii) Any alcohol sold on the premises is to be consumed on the premises only by guests accommodated there.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed special conditions detailed at para. 7.3 above.

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/1770

Date: 31 May 2016

Author: IC/JT

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