

The Highland Licensing Board

Meeting – 6 December 2016

Agenda Item	7.1
Report No	HLB/108/16

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

The Caberfeidh Hotel, Main Street, Golspie

Report by the Depute Clerk to the Licensing Board

Summary

This report relates to an application for the grant of a premises licence in respect of The Caberfeidh Hotel, Main Street, Golspie.

1.0 Description of premises

1.1 The Caberfeidh Hotel is a 2 storey, detached, hotel with 6 letting bedrooms, lounge bar, function suite, usual services and facilities and an outdoor drinking area at the rear of the premises.

2.0 Operating hours

2.1 The applicant seeks the following **on-sales** and **off-sales** hours:

On sales:

Monday to Sunday: 1100 hrs to 0100 hrs the following day

Off-sales:

Monday to Sunday: 1100 hrs to 2200 hrs

3.0 Background

3.1 On 21 October 2016 the Licensing Board received an application for the grant of a premises licence from Caberfeidh Hotel Ltd.

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

3.3 The application was publicised during the period 31 October until 21 November 2016 and confirmation that the site notice was displayed is awaited.

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

- 3.5 Notification of the application was also sent to NHS Highland and the local Community Council.
- 3.6 Further to this publication and consultation process, no timeous objections have been received. Representations have been received from SFRS advising of matters which the applicant must attend to prior to opening (Appendix 1). These relate to the applicant's fire safety duties under the Fire (Scotland) Act 2005 and in the event that the applicant does not attend to them to SFRS's satisfaction, it will be open to SFRS to take further action.
- 3.7 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:-
- 5.2 The Caberfeidh Hotel is a detached, traditional, small hotel situated on the east side of Main Street, Golspie. Former operators of the premises held a premises licence but that licence ceased to have effect in 2015.
- 5.3 The premises have 6 letting bedrooms, a lounge bar, function suite and usual services and facilities.
- 5.4 An area at the rear of the premises overlooking the sea shore been identified as an outdoor drinking area. There are some neighbouring residential properties and it may be appropriate to impose a condition restricting use of the outdoor drinking area after 2200 hrs.
- 5.5 From time to time children's play equipment may be erected in the function suite and when children are present consumption of alcohol will not be permitted in that room.
- 5.6 The application is for on and off-sales. Off-sales of alcohol will be dispensed from an area inaccessible to the public and there is no conflict with the Board's policy on over-provision in respect of off-sales premises.
- 5.7 The licensed hours applied for are within policy and the activities or services to be provided are appropriate for this type of business. The premises may open for business prior to the commencement of licensed hours.
- 5.8 I am satisfied that the applicant has given due consideration to the licensing objectives and I have no cause to object to the grant of this premises licence.

6.0 HLB local policies

- 6.1 The following policies are relevant to the application:-
- (i) Highland Licensing Board Policy Hours
 - (ii) Highland Licensing Board Policy Statement 2013-18
 - (iii) The Highland Licensing Board Equality Strategy
 - (iv) Schedule of Local Conditions

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

Should the Board grant the application as applied for, the Board may wish to consider attaching the following condition(s) from the schedule of local conditions:

- a. Children under the age of 16 are excluded from any room where there is a bar counter after 2200 hours except during private functions or for the purpose of viewing live entertainment or where the child is in the room for the purpose of taking a meal. This condition does not apply to any child who is in the bar solely for the purpose of passing to or from some other part of the premises being a part to or from which there is no other convenient means of access or egress.
- b. Whilst in any room with a bar counter all children must be in the company of, or supervised by an appropriate responsible adult. This condition does not apply to children of the licence holder or children who are resident on the premises.
- c. Notwithstanding conditions (a) and (b) children must not sit or remain at the bar counter at any time.
- e. After 2200 hours alcoholic or non-alcoholic drinks shall not be consumed in an outdoor drinking area.
- h. Dartboards and any pool table will be situated in a location to be approved by the Licensing Standards Officer.
- 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

7.3 Special condition

The Board may wish to consider attaching the following special condition(s):

1. Children under the age of 16 are excluded from the part of the premises known as the lounge bar after 2100 hours.

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

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local, special and late opening conditions detailed at paras 7.2, 7.3 and 7.4 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 objection in question.

Reference: HC/CSR/1797
Date: 22 November 2016
Author: L Gunn
Background Papers: The Licensing (Scotland) Act 2005

Laura Gunn

From: Counsell, Kay <Kay.Counsell@firescotland.gov.uk>
Sent: 21 November 2016 14:33
To: Laura Gunn
Subject: RE: APPLICATION FOR PREMISES LICENCE - THE CABERFEIDH HOTEL, MAIN STREET, GOLSPIE - HC/CSR/1797
Attachments: The Caberfeigh Hotel, Golspie - No Objs SMcG Lodged 21.11.16.pdf

Hi Laura

Please find attached signed copy of the consultation sheet for the Caberfeidh Hotel in Golspie. The Scottish Fire & Rescue Service have no objection to make on the granting of the above licence application. However, please be advised of representations in respect of the application being granted are as follows:

A specific visit was made on 28/7/16 by Enforcement Officer Andrew Illston, to check upon the progress of matters identified during a prior audit, and to advise and educate the tenant. The premises was closed for business at the time of the visit, but was due to open as a public bar on an occasional licence from 30/07/2016, with a full application for hotel licence to follow.

There were no significant matters which would prevent the opening and operation of a public bar at that time. However, the owner was advised that before opening a number of matters should be progressed:

1. the fire risk assessment process should be undertaken and documented, and all significant findings addressed appropriately.
2. The AFD system should be inspected and serviced by a competent person.
3. The AFD should be extended to provide L2 coverage. The bridal suite, kitchen/laundry area and prep area require suitable detection.
4. All bedroom doors opening onto the means of escape should be made self-closing.
5. Routine testing and maintenance records should be kept.
6. Fire action notices should be provided in all bedrooms.

The applicant Carole Morrell has advised that the items above have not been carried out and an appointment has been made to carry out a full audit, on Thursday the 24th of November to ascertain progress made in addressing the items above.

SENT ON BEHALF OF WATCH MANAGER SHAUN MCGOWAN, FIRE SAFETY ENFORCEMENT OFFICER, SCOTTISH FIRE & RESCUE SERVICE.

Regards
Kay

Kay Counsell
SDA Support Assistant (Dornoch), Scottish Fire & Rescue Service
T: 01862 811044

Monday 0845 -1530 hours
Tuesday 0845 -1530 hours
Wednesday 0845 -1530 hours
Thursday 0845 -1530 hours