

The Highland Licensing Board

Meeting – 27 March 2018

| | |
|-------------|------------|
| Agenda Item | 7.4 |
| Report No | HLB/019/18 |

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

Tarrel House, Tarrel Farm, Portmahomack

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 Tarrel House, Tarrel Farm, Portmahomack.

1.0 Description of premises

1.1 Tarrel House is a five bedroom detached guest house set in its own grounds. There is no bar counter and alcohol will only be sold to guests residing on the premises.

2.0 Operating hours

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

On sales:

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

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

Off sales:

Monday to Sunday: 1000 hrs to 2200 hrs

3.0 Background

3.1 On 8 February 2018 the Licensing Board received an application for the grant of a premises licence from Tarrel House Partnership.

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 16 February to 9 March 2018 and confirmation that the site notice was displayed has been received.

- 3.4 In accordance with standard procedure, Police Scotland, the Scottish Fire and Rescue Service 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 or representations have been received.
- 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://highland.gov.uk/hlb_hearings

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.
- 4.2 Relevant grounds of refusal are: -
 1. that the premises are excluded premises;
 2. that the Board considers, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence;
 3. that the grant of the application would be inconsistent with one or more of the licensing objectives;
 4. 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
 5. that 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 the same or similar description as the subject premises, in the locality.

4.3 For the purposes of the Act, the licensing objectives are-

- (a) preventing crime and disorder,
- (b) securing public safety,
- (c) preventing public nuisance,
- (d) protecting and improving public health, and
- (e) protecting children and young persons from harm.

4.4 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:-

- (1) The applicant operates a 5 bedroom guest house for up to 10 guests and makes application for a premises licence. The premises will fall within Category 1 in terms of Regulation 4(d) Licensing (Fees) (Scotland) Regulations 2007. (Alcohol for consumption on the premises only by guests being accommodated there.)
- (2) The premises are set in their own grounds the whole of which has been identified as an outdoor drinking area. The application is for both on and off-sales. There is no bar counter on the premises.
- (3) Alcohol for off-sales will be displayed within a secure cabinet in an accessible area and the applicant has declared a capacity of 0.6m² which does not conflict with Board policy on overprovision.
- (4) I am satisfied that the applicant has given due regard to the licensing objectives. The activities and services to be provided are appropriate for this type of business and I have no cause to object to the grant of the licence.

6.0 HLB local 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

None to apply.

7.3 Special conditions

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

- (1) Alcohol sold on the premises is to be consumed on the premises only by guests being accommodated there.

Recommendation

The Board is invited to determine the above application and if minded to grant the application and agree the proposed special condition 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/CSR/1851
Date: 13 March 2018
Author: G Sutherland