

The Highland Licensing Board

Meeting – 26 June 2018

Agenda Item	8.4
Report No	HLB/060/18

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

Dunrobin Castle, Dunrobin, Golspie, KW10 6SF

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 Dunrobin Castle, Dunrobin, Golspie, KW10 6SF.

1.0 Description of premises

1.1 Dunrobin Castle is a visitor centre - historic castle which is open to the public for tours, functions and events within public areas on several floors. The castle is set in extensive grounds which includes an area defined for outdoor drinking and on which a marquee or other temporary structure may be erected from time to time for events and functions.

A cafe/restaurant is located on the ground floor.

Sales of alcohol will not be restricted to persons taking a meal on the premises but alcohol for consumption on the premises between 1000 hrs and 1100 hrs will only be supplied as an accompaniment to a meal.

There is no bar counter on the premises, but a temporary bar may be set up from time to time when catering for functions and events.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1000 hrs to 2400 hrs

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

Off sales:

Monday to Sunday: 1000 hrs to 2200 hrs

3.0 Background

3.1 On 9 May 2018 the Licensing Board received an application for the grant of a premises licence from Dunrobin Castle Ltd.

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 14 May until 4 June 2018 and confirmation that the site notice was displayed has been received.

3.3 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.

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

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://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.

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.

4.2 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 Dunrobin Castle is a historic castle and very popular tourist attraction.

5.3 The applicant seeks a premises licence for premises which includes a café and gift shop located on the ground floor and public areas in which functions and events may take place.

5.4 An area has been identified for outdoor drinking and, from time to time, small events or functions may take place there. There are no nearby residential properties and it is not considered necessary to impose any restrictions on use of the area.

5.5 The application is for on and off-sales with on-sales hours commencing at 1000 hrs. Other than between 1000 and 1100 hrs sales of alcohol for on-consumption will not be restricted to persons taking a meal on the premises. Alcohol for off-sales will be displayed in the retail area. The capacity will be 2.7m² which does not conflict with Board policy on overprovision for off-sales premises.

5.6 There is no permanent bar counter on the premises and alcohol for on-consumption will be dispensed from service counter within the café however, from time to time, a temporary bar may be set up to service any function or event.

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) 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.

f(2). Alcohol for consumption on the premises may be sold on the premises prior to 1100 hours only to persons taking table meals.

7.3 Special conditions

No special conditions are considered necessary.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local condition(s) detailed at para. 7.2 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/1859

Date: 8 June 2018

Author: L Gunn

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