

The Highland Licensing Board

Meeting – 26 June 2018

Agenda Item	8.6
Report No	HLB/062/18

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

Kyle of Tongue Hostel and Holiday Park, Tongue, IV27 4XH

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 Kyle of Tongue Hostel and Holiday Park, Tongue, IV27 4XH.

1.0 Description of premises

1.1 Kyle of Tongue Hostel and Holiday Park is a 37 person hostel and holiday park supplying accommodation to travellers and tourists.

Accommodation and camping area 2 miles outside Tongue Village.

Currently there is a small shop selling essentials.

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

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

Off sales:

Monday to Sunday: 1000 hrs to 2200 hrs

3.0 Background

3.1 On 16 May 2018 the Licensing Board received an application for the grant of a premises licence from Kyle of Tongue Hostel and Holiday Park.

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 18 May until 8 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 Kyle of Tongue Hostel and Holiday Park operates from the former SYHA hostel and has undergone significant improvements including the construction of a camping area which is not included within the proposed licensed area.

5.3 The premises has accommodation for up to 37 persons, communal areas including a dining room and lounge and a small retail area is located at the reception desk.

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-sales and off-sales. Off-sales of alcohol will be dispensed from an area inaccessible to the public at the reception desk and there is no conflict with the Board's policy on over-provision in respect of off-sales premises. There is no bar counter on the premises and alcohol for on-consumption will be dispensed from the reception area.

5.6 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.

5.7 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

None to apply.

7.3 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/CSR/1864

Date: 11 June 2018

Author: L Gunn

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