

The Highland Licensing Board

Meeting – 2 April 2019

Agenda Item	7.3
Report No	HLB/028/19

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

The Granary, Castle of Mey, Mey

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the provisional grant of a premises licence in respect of The Granary, Castle of Mey, Mey.

1.0 Description of premises

1.1 The proposed premises will be a 10 bedroom bed and breakfast establishment with facilities for events and functions located within the grounds of The Castle of Mey.

2.0 Operating hours

The applicant seeks the following **on** and **off sale** hours:

On sales:

Monday to Sunday: 1100 hrs to 0100 hrs

Off sales:

Monday to Sunday: 1000 hrs to 2200 hrs

3.0 Background

3.1 On 12 February 2019 the Licensing Board received an application for the provisional grant of a premises licence from Castle and Gardens of Mey Limited.

3.2 The application was accompanied by the necessary section 50 certification in terms of Planning, together with a Disabled Access Statement.

3.3 The application was publicised during the period from 18 February to 11 March 2019 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 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:-

The applicant proposes to operate a 10 bedroom bed and breakfast establishment with facilities for events and functions within the grounds of the Castle of Mey.

The premises are located within the policies of the Castle of Mey but will operate independently within an enclosed area in which outdoor drinking may be permitted and in which a marquee or other temporary structure may be erected from time to time in support of functions and events.

While the premises will operate primarily as a bed and breakfast establishment, the sale of alcohol will not be restricted to residents only. In order to make full use of the available facilities, an extensive list of activities and services to be provided during and outwith core hours has been included within the operating plan.

The licensed hours applied for are within Board policy and the activities and services referred to in the operating plan are appropriate for this type of business.

There is no fixed service bar on the premises and the applicant intends that alcohol will be dispensed from storage areas by staff supplemented by a lockable "honesty bar" at reception when required. The applicant has provided an acceptable method of operation for the honesty bar.

Subject to demand a temporary bar counter may be set up in support of functions or events.

In view of the location of the premises it is not considered necessary to impose any conditions to restrict the use of the outdoor drinking area.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (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 condition

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

1. A written method of operation of honesty bar statement acceptable to the Highland Licensing Board must be in place for the premises and operation of the honesty bar must be conducted in accordance with that statement.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to 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/1895
Date: 19 March 2018
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