

The Highland Licensing Board

Meeting – 14 May 2019

Agenda Item	9.4
Report No	HLB/052/19

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

The Steading, 4 Balnapolaig, Dornoch

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Balnapolaig Management Limited.

1.0 Description of premises

1.1 Guest house with 4 bedrooms, maximum 8 adults, semi-detached property. First floor, front entrance with private parking. Converted stone steading, converted approximately 2012.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Sunday: 1100 hours to 2300 hours

Off Sales:

Monday to Sunday: 1100 hours to 2200 hours

3.0 Summary of variation application

3.1 Variation sought

The applicant seeks to vary the premises licence as follows:-

1. Increase capacity to 28 persons following extension to property to include 4 new bedrooms and two restaurant/bar extension including land.
2. Include separate annexe known as Steading No 5 within licensed area.

3. Amend description of premises to read “4 bed guesthouse business operating from No. 4 Balnapolaig which is a semi-detached 2 storey property. An additional 4 rooms are located within a separate annex known as Steading No 5 Balnapolaig”.

4. To other activities and services during and outwith core licensed hours add conference facilities and club or other group meetings etc.

4.0 Background

4.1 On 22 March 2019 the Licensing Board received an application for a major variation of a premises licence from Balnapolaig Management Limited.

4.2 The application was publicised during the period 1 April 2019 until 22 April 2019 and confirmation that the site notice was displayed has been received.

4.3 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.

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

4.5 Further to this publication and consultation process, no timeous objections or representations have been received. At the time of writing this report, a response from the Scottish Fire and Rescue Service is awaited. A verbal update will be given on the day.

4.6 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

5.0 Legislation

5.1 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 may be: -

1. the grant of the application will be inconsistent with one or more of the licensing objectives;

2. having regard to (i) the nature of the activities carried on or 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 in accordance with the proposed variation;
3. 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.

5.2 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.

5.3 The Board only has power either to grant the application and make a variation of the conditions to which the licence is subject or to refuse the application.

5.4 If the Board refuses the application, the Board must specify the ground for refusal and if the ground for refusal relates to a licensing objective, the Board must specify the objective in question.

6.0 Licensing Standards Officer

6.1 The LSO has provided the following comments:-

6.2 The premises currently operate as a bed and breakfast subject to a condition that alcohol may only be sold to residents. Persons under the age of 18 are not permitted on the premises.

6.3 The applicant has extended the premises and incorporated an additional adjoining building in which there are 4 new bedrooms and a seating area / sun lounge. As a consequence of the extension to the premises within an enlarged licensed area the capacity will increase from 8 to 28 persons.

6.4 The opportunity is also being taken to add in the operating plan that conferences and club or other group meetings may take place on the premises during and outwith core hours.

6.5 The current description of the premises is updated to take account of the additional extensions.

6.6 The proposed changes do not conflict with Board policy. 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 variation application.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (2) Highland Licensing Board Equality Strategy

8.0 Conditions

8.1 Mandatory conditions

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

8.2 Local conditions

None to apply.

8.3 Special conditions

Existing special condition only.

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/1817

Date: 25 April 2019

Author: L Gunn

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