

The Highland Licensing Board

Meeting – 14 May 2019

Agenda Item	9.5
Report No	HLB/053/19

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

The Coach House Bar and Restaurant, The Square, Dornoch

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by The Coach House Bar and Restaurant Limited.

1.0 Description of premises

1.1 The premises currently operate as a public house premises known as the The Coach House Bar and Restaurant. The premises are a traditional stone build with slated roof, located in the central square in the conservation area central to the Royal Burgh of Dornoch. The premises have a commercial garage adjoining (but not included in the area to be licensed). There is a free public car park for approximately 24 cars. The driveway for the premises provides tables which form a smoking area. The ground floor of the premises consists of a public bar area, lounge bar, cellarage, store and male and female toilets. The upper floor consists of a kitchen, restaurant for approximately 54 covers and incorporating a small bar and carvery area with male and female toilets.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Thursday: 1100 hours to 2345 hours
Friday: 1100 hours to 0100 hours the following day
Saturday: 1100 hours to 2345 hours
Sunday: 1230 hours to 2300 hours

Off Sales:

Monday to Saturday: 1100 hours to 2200 hours
Sunday: 1230 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 on sales operating hours daily on Sunday to Thursday to 1100 hrs to 0100 hrs the following day and on Friday and Saturday to 1100 hrs to 0300 hrs the following day.
2. Increase off sales operating hours on Sunday to commence at 1100 hrs.
3. Delete current description of premises and substitute "2 Storey premises located in The Square, Dornoch, comprising of public bar and lounge bar on the ground floor, a lounge/bar restaurant/function room on the first floor and an outside drinking area".
4. Add seasonal variation "to take advantage of any period of extended hours agreed by the Board for the festive period".
5. To list of other activities and services during and outwith core hours receptions including weddings, funerals, birthdays, retirements etc, club or other group meetings etc, music, live performances, dance facilities, films, gaming, indoor/outdoor sports, televised sports and outdoor drinking facilities.
6. To Q5(f) other activities charity and fundraising events, theme nights, food and drink fayres, tasting meals, takeaway meals.
7. Amend Children and Young Persons section in accordance with Board policy.
8. Amendment to layout plan to confirm location of outdoor drinking area.

4.0 Background

- 4.1 On 21 March 2019 the Licensing Board received an application for a major variation of a premises licence from The Coach House Bar and Restaurant 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 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 Further to this publication and consultation process, the following timeous notices of objection or representations have been received and are appended:

Objection dated 1 April 2019 from Nigel and Deborah Turnbull.

Objection dated 4 April 2019 from Gavin and Pam Ward.

Objection dated 8 April 2019 from Stuart and Alison Brown.

Objection dated 8 April 2019 from Gordon and Hilary Sutherland.

Objection dated 10 April 2019 from Emily Mackay

Representation dated 11 April 2019 from Yvonne Ross, Chair, Dornoch Community Council.

Objection dated 14 April 2019 from Callum Sutherland.

Objection dated 17 April 2019 from Mark and Valerie Newman.

Objection dated 18 April 2019 from Mr and Mrs David Thompson.

Objection dated 21 April 2019 from Richard and Karen Birnie

Objection dated 18 April 2019 from Dianne Hutchison

- 4.7 The applicant and the objectors have been invited to attend the hearing. Both have been advised of the hearings procedure which will be followed at the meeting and 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, formerly known as The Dornoch Inn operate as a public house which may also serve bar meals. The licence was granted with grandfather rights in September 2009.

6.3 The premises currently have licensed hours Monday to Thursday of 1100 hrs to 2345 hrs, 1100 hrs to 0100 hrs the following day on a Friday, 1100 to 2345 hrs on a Saturday and 1230 to 2300 hrs on a Sunday. Off-sales hours commence at 1100 hrs daily, Monday to Saturday and from 1230 hrs on a Sunday.

6.4 Following their recent purchase of the business the applicant has reviewed the operating plan and seeks to make several amendments to the premises licence so as to operate as "hybrid" premises with late opening on a Friday and Saturday and to increase licensed hours on other days to 0100 hrs the following day.

6.5 As hybrid premises, in terms of the Board policy on late opening premises, a terminal hour of 0300 hrs the following day is sought for hours commencing on a Friday or Saturday.

6.6 I visited the premises and discussed the terms of the Board's policy for late opening premises and, in particular, the requirement that significant facilities will be dedicated to the provision of the entertainment. Arising from that discussion the applicant has decided not to proceed with seeking late opening and now requests that the Board allow the application to be amended to show a terminal hour on each day of the week of 0100 hrs the following day.

6.7 The amended description of the premises is unaffected by removal of the late opening element of the application.

- 6.8 The applicant has identified an outdoor drinking area which is located within an area forming a part of shared access to residential properties. I am aware that some questions have been raised in objections/representations which have been lodged over the use of the shared access, however, I am not aware of any restrictions in terms of the Licensing (Scotland) Act 2005 which would prevent the applicant from making use of the area as an outdoor drinking area.
- 6.9 As the premises are located near to residential properties, I believe it appropriate that a restriction be placed on use of that area for outdoor drinking after 2100 hrs and that no live or recorded music be played or relayed to that area at any time.
- 6.10 As the applicant intends to offer live and recorded music I have asked him to complete a noise management plan and recommend that compliance with the plan be required by a condition to that effect.
- 6.11 Following the public consultation phase of this application a total of 11 written objections were submitted by the owners and occupiers of neighbouring property, together with a submission on behalf of the Community Council.

In summation these responses had common themes which tied into the licensing objectives concerning issues of noise nuisance, anti social behaviour and public nuisance and whilst not against allowing a local business to thrive there were genuine concerns that a total uplift in licensed hours would adversely affect the quality of life enjoyed by those in close proximity to the premises.

As a result LSO Ian Cox, wrote to all the objectors and reserved accommodation within the Council Service Point, Dornoch on Wednesday, 24th April, 2019. Subsequently as a result of the invitations a total of 7 objectors attended and spoke with the LSO. All put forward their concerns but it was also a common theme that they wished the premises to be also given a fair chance, however a full uplift in hours caused concern as there was potential for noise and nuisance on 7 nights of the week. A common position was taken that extended hours on Friday and Saturday was reasonable as peak customer times, but retaining the current hours on Sunday to Thursday was reasonable for a rural town such as Dornoch.

On the same date the LSO met with Mrs Audrey Mackay on behalf of the applicant. Mrs Mackay respected the concerns of the neighbours and undertook to see other members of her family to see if a compromise could be achieved in respect of hours. On Friday, 26th April the LSO contacted Mrs Mackay who informed him that 01.00hrs on Friday and Saturday was acceptable, with the retention of the existing hours Sunday to Thursday.

Sunday opening at 11.00hrs and seasonal variations involving festive extended hours were not issues of contention in this application.

6.12 The other variation sought are reasonable and appropriate for this type of operation and I am satisfied that the applicant has given due consideration to the licensing objectives.

I have no cause to object to the grant of this application as amended.

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

Existing local conditions and additional local conditions:

- k. The licence holder shall submit to the Board and to Police Scotland, prior to 1 December each year, notice of the dates within the festive period on which it is intended that the premises remain open until the festive period terminal hour stated for that category of premises in the Board's Policy Statement. The premises may remain open until the festive period terminal hour only on those dates for which notice has been given by the licence holder to the Board and to Police Scotland in accordance with this condition.
- m. After 2100 hrs, alcoholic or non-alcoholic drinks shall not be consumed in any outdoor drinking area.
- n(i) No live or recorded music shall be played in any outdoor drinking area.

8.3 Special conditions

1. A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 1:00 am (on any day when the premises are open at that time) until whichever is the earlier of—
 - (a) the time at which the premises next close; and
 - (b) 5:00 am.
2. A designated person who is the holder of a personal licence must be present on the premises from 1:00 am (on any day when the premises are open at that time) until whichever is the earlier of—
 - (a) the time at which the premises next close; and
 - (b) 5:00 am or such other time as the Licensing Board may specify.

3. A written noise management plan acceptable to the Highland Licensing Board must be in place for the premises and any relevant activity or service being provided must be conducted in accordance with that plan.
4. All glass disposal will cease between the hours of 2300 hrs and 0800 hrs.
5. All deliveries to the premises will not take place between 2300 hrs and 0800 hrs.
6. During the playing of any live music on the premises doors and windows will require to be closed unless to be opened temporarily to admit or allow the exit of patrons.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local and special conditions detailed at paras 8.2 and 8.3 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/0323

Date: 26 April 2019

Author: L Gunn

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

Appendix: Objection dated 1 April 2019 from Nigel and Deborah Turnbull.

Objection dated 4 April 2019 from Gavin and Pam Ward.

Objection dated 8 April 2019 from Stuart and Alison Brown.

Objection dated 8 April 2019 from Gordon and Hilary Sutherland.

Objection dated 10 April 2019 from Emily Mackay

Representation dated 11 April 2019 from Yvonne Ross, Chair, Dornoch Community Council.

Objection dated 14 April 2019 from Callum Sutherland.

Objection dated 17 April 2019 from Mark and Valerie Newman.

Objection dated 18 April 2019 from Mr and Mrs David Thompson.

Objection dated 21 April 2019 from Richard and Karen Birnie.

Objection dated 18 April 2019 from Dianne Hutchison.

RECEIVED

- 2 APR 2019

The Highland Council
Drummuie

1st April 2019

Claire Mc Arthur

Clerk of the Highland Licensing Board

Area Office,

Drummuie,

Golspie,

Sutherland, KW10 6TA

re: Application for Variation of Premises Licence, The Coach House Bar & Restaurant, The Square, Dornoch.

Dear Sir / Madam,

I have just received notification that the above premises are applying to amongst other things 1) increase on and off sales and 2) add seasonal variation (item listed as 4).

We would like to strongly lodge our objection to these two items on the grounds that they are inconsistent with the Licensing Objectives, in the fact that it will be a public nuisance and it does not protect and improve public health.

At the moment this licensed premises, since new ownership, has had a number of issues with in our view anti-social behaviour in the fact that their patrons on leaving the property at closing time or way beyond are in a very intoxicated state and are extremely loud with foul and abusive language. We have had a number of problems with broken glass, vomit and people urinating at the back of our property, also there has been a number of occasions when there has been fights at the back and front of our property, this also puts our car in a

very vulnerable position even though it is parked in it's own private parking space. Obviously all this is detrimental to our nights sleep, being sharply woken to much noise and rowdiness is very unnerving and leaves us awake for many of the following hours. This makes us feel very unsafe and vulnerable in our own home. We dread the following mornings after the night before knowing that there could be glass, vomit or urine or all three to clear up.

We have saved up many years to be fortunate enough to live in a beautiful location as Dornoch, where we have settled for the last 21 years very happily. We purchased the property knowing that we were in the vicinity of a public house with expectations of a certain level of noise but we feel that to extend the license into the wee hours would be totally unacceptable for not only the neighbouring residents but for the community as a whole.

Yours Sincerely

A handwritten signature in black ink, consisting of a vertical line with a stylized, looped flourish at the top.

Mr Nigel & Mrs Deborah Turnbull

Laura Gunn

From:
Sent: 07 April 2019 14:04
To:
Subject: re: Coach House, Dornoch Application

Dear Mr Inglis,

Many thanks for your reply re the above application. We are writing to strenuously object to any extension to the licensing hours for the Coach House, Dornoch. We acknowledge that they have amended their application to 1am every day of the week but we have had yet another really bad weekend regarding noise, rowdiness antisocial behaviour i.e. swearing and littering and also vomit in the seating area of the square. Our tourist season has now begun and this is totally unacceptable for such a place as Dornoch.

We were awoken in the early hours of Saturday and Sunday morning, and kept awake for up to 2 hours both occasions. This is detrimental to our health and well being and we should not have to live with this any day of the week let alone every day. This a residential area with working people, retired people and also people who have spent their hard earned money on their holidays renting properties.

Re your paragraph:- *These are matters for the Board to consider however the Board only licenses the sale of alcohol and must be in a position to link any problems directly to the sale of alcohol on the premises if action is to be taken. Any incidents which occur in the street would be a matters for the Police to respond to and it is incredibly difficult to PROVE a link to the sale of alcohol on a specific licensed premises.*

We understand what you are saying here but would like to reiterate that our problems occur when the patrons leave this premises, they spill out totally intoxicated and take up to 2 hours to disperse once the premises has allegedly closed, all this time being rowdy, loud and abusive, drinks in hand which then are discarded for us to clear the following morning. Many a time this behaviour has turned violent with arguing and sometimes fighting amongst themselves.

We know the pressures on Police Scotland and feel by the time our complaint is logged and dealt with, it could be a waste of their precious time.

We hope our problems and concerns are listened to by the Licensing Standards board because we don't want to be forced out of our home that we love.

Regards

Nigel and Deborah Turnbull

Claire McArthur
Clerk to the Highland Licensing Board
Area Office
Drummuie
Golspie
Sutherland
KW10 6TA

4 April 2019

Dear Ms McArthur,

**Re: Application for Variation of Premises Licence,
The Coach House Bar & Restaurant, The Square, Dornoch**

We have received notification that the above-named premises is applying for a number of changes to its licensing hours and specifications, all of which gives us significant concern.

We own the apartment at _____ and have run it successfully as a holiday let for the past 15 months. In February 2019 we received our first negative online review, which included the following (taken verbatim from the review):

Submitted on 17/02/2019 by Janet from Glasgow

“There was a lot or (sic) noise outside with drunk teenagers, motorcycles reviving (sic) in and cars in the rear car park and front square from 1-3am. So quite noisy. Maybe alert police to local drunken youths. Not in keeping with Dornoch.”

Surprised and disappointed by such comments (and which knocked our rating down), we responded to say that we were sorry but it must have been a one-off, since Dornoch is a quiet town. However, speaking with local residents earlier this week we now realise that such public nuisance has become quite common, and seems to have coincided with the new ownership of the above premises (and possibly the adjacent police station closing).

When in the centre of a town you expect a certain level of noise into the evening, but we strongly object to any extension of opening hours that could lead to the current level of disturbance continuing regularly into the early hours of the morning. Once people leave the premises, often intoxicated, it can take a long time for them to disperse. That kind of behaviour is totally out of character with Dornoch, and conflicts directly with the reason why people choose to live or visit there. Dornoch relies heavily on tourism and in our view needs to be maintaining – if not improving – the high standards it is renowned for.

We are also extremely concerned about the reference to an “outside drinking area”, which automatically creates extra noise and encourages gatherings outside of the premises. The town square to the front of Argyle Place is an open and public space, but the car park behind it (half of which is private) feels enclosed and could therefore encourage public nuisance, crime and disorder which, according to local residents, has been occurring on a regular basis over the last few months.

Contrary to granting longer opening hours, we would have hoped that The Coach House would be looking at how it can make significant improvements to the negative impact that their current hours

are inflicting on the community. To permit the extension of their hours and allow live music and outdoor drinking would, in our view, have a directly negative impact on the good reputation that Dornoch currently holds, and inevitably damage the businesses and reputations of those of us whose livelihoods are in the accommodation hospitality trade in that area of Dornoch.

Yours sincerely

Gavin & Pam Ward

Licensing

From:
Sent: 08 April 2019 09:26
To:
Subject: Formal notice of objection to The Coach House Dornoch's application to increase their licensing hours

We wish to lodge a formal notice of objection to any increase in either the on-sales or off-sales hours at **The Coach House Bar and Restaurant, The Square, Dornoch**. Our grounds of objection refer to both number 2 (off-sales hours) and number 3 (licensing objectives).

We are concerned that if The Coach House's licensing hours are increased, the effect of its patrons' anti-social behaviour will be even more detrimental to the local community's quality of life and livelihood than it is at present

Being woken up at night by shouting, swearing and foul language from customers leaving The Coach House is a common problem for those of us that live in The Square. Furthermore, the litter, vomit and urine that often greet us in the morning is disgusting. Friday and Saturday nights are particularly bad. Noise Regulations UK states that noise is considered unreasonable if it "substantially interferes with the use or enjoyment of a home or other premises between 11pm and 7am" and this most definitely does. Increasing on-sales operating hours to 0100 hours on a daily basis is only going to make the problem worse.

Tourism is one of the main sources of income for the residents of Dornoch. There are a couple of hotels, as well as many premises offering self-catering accommodation and bed and breakfast. I know of several that have received reviews from guests complaining about late night noise from drunks. If Dornoch gets a reputation for excessive drinking and rowdy behaviour it is going to put people off coming to stay here. So, increasing The Coach House's licensing hours could seriously affect the town's economy as well as its residents' quality of life.

Looking at the issue from the standpoint of protecting and improving public health, we would like to point out that alcohol misuse is a major concern in Scotland. The Scottish Health Survey found that more than a quarter of Scots are drinking at hazardous or harmful levels, increasing their risk of alcohol-related physical and mental health diseases. If the licensing hours are extended, the people that will stay drinking at The Coach House until 1am and start at 11am on a Sunday morning will not be the occasional drinkers but those that we see there every night. We as a community should not be enabling problem drinking but rather putting measures in place to prevent or reduce it.

We were also shocked to read in the Scottish Health Survey that an estimated 36,000 to 51,000 Scottish children are living with a parent who has an alcohol problem. I don't know what the figure is for Dornoch, but I am sure there are a few families where children live in fear of injury or abuse from parents that return drunk from the pub. Protecting children from harm does not include making it easier for their parents to drink to excess.

Finally, increasing the licensing hours at The Coach House could encourage crime and disorder. In a Scottish Prisoner Survey, 41% of prisoners reported being drunk at the time of their offence. It is also thought that alcohol is involved in 70% of assaults requiring treatment at A&E. We should not be giving people more opportunity to become inebriated, get into fights and commit crimes that may affect the rest of their and other's lives.

Yours sincerely

Stuart and Alison Brown

Laura Gunn

From:
Sent: 08 April 2019 16:33
To:
Cc:
Subject: The Coach House Bar & Restaurant - Application for variation of premises licence
Attachments: Right of Access.pdf

Dear David

My wife and I own which is currently occupied by our daughter, who is a full time resident. We wish to lodge a formal objection to a number of aspects of the above application on the grounds that it is inconsistent with all five Licensing Objectives and will obstruct a right of access.

Increase on sales operating hours and 'seasonal variation' (Points 1, 2 and 4 in the Neighbour Notification)

As the owners of The Coach House Bar & Restaurant (the applicants) have already shown they are incapable of managing licensed premises in a proper fashion with respect for their neighbours we strongly object to any increase in sales operating hours. There is also clear evidence that the existing licensed operating hours are being wilfully ignored with alcohol being served well past the current licensed closing times.

Our principal concerns are summarised below.

Resident's

With 11 residential premises in Argyle Place, 5 residential premises in Dornoch Square East and a number of other residential premises in Church Street and The Square, The Coach House Bar & Restaurant is situated centrally within a predominately residential area. This has always been a concern to residents but the situation was manageable until the current owners acquired the licensed premises. Since the new owners took over there has been a significant increase in noise and disturbance in both the car park behind Argyle Place and in the town square. This includes shouting, swearing, breaking glass, urinating, vomiting and fighting and Police Scotland have been called out to deal with anti-social behaviour on a number of occasions.

Residents of Argyle Place are very concerned about the increase in disturbance and are fed up having to clean vomit and even blood from the pavement in front of their homes, a situation that can only get worse with any extension to the licensing hours.

Business & Tourism

As well as being the co-owner of a neighbouring property, I am a Director of the Dornoch Area Community Interest Company (DACIC). I am aware of the increase in noise and disturbance which is already harming Dornoch's image, with some owners of holiday let properties in Argyle Place and Dornoch Square East receiving very poor reviews as a direct result of the situation. As tourism is one of the main sources of income for the residents of Dornoch, I am concerned that if the licensing hours are increased the effect of anti-social behaviour will be seriously detrimental to the local community's quality of life and livelihood.

Health & Wellbeing

Alcohol misuse is a major concern in Scotland with more than a quarter of Scots drinking at hazardous or harmful levels, increasing their risk of alcohol-related physical and mental health diseases.

With many Scottish children living with a parent who has an alcohol problem, there will undoubtedly be a few households in Dornoch where children live in fear of injury or abuse from parents that return drunk from the pub. Protecting children from harm does not include making it easier for their parents to drink to excess.

Increasing the licensing hours could encourage crime and disorder and it is believed that alcohol is involved in the great majority of assaults requiring treatment at A&E. We should not be giving people more opportunity to become inebriated, get into fights and commit crimes that may affect the rest of their and other's lives. It is also very intimidating for local residents who now live with an element of fear.

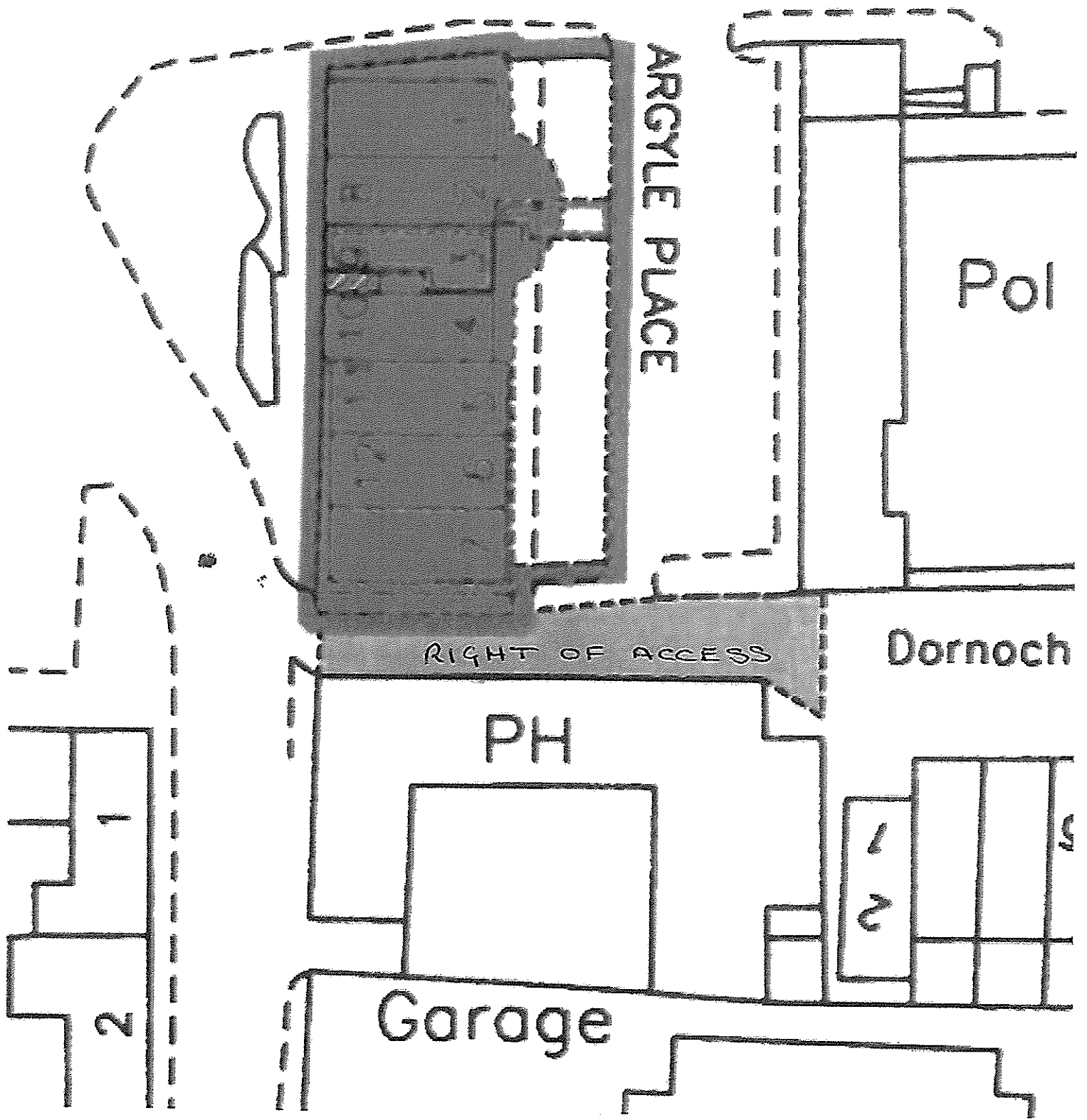
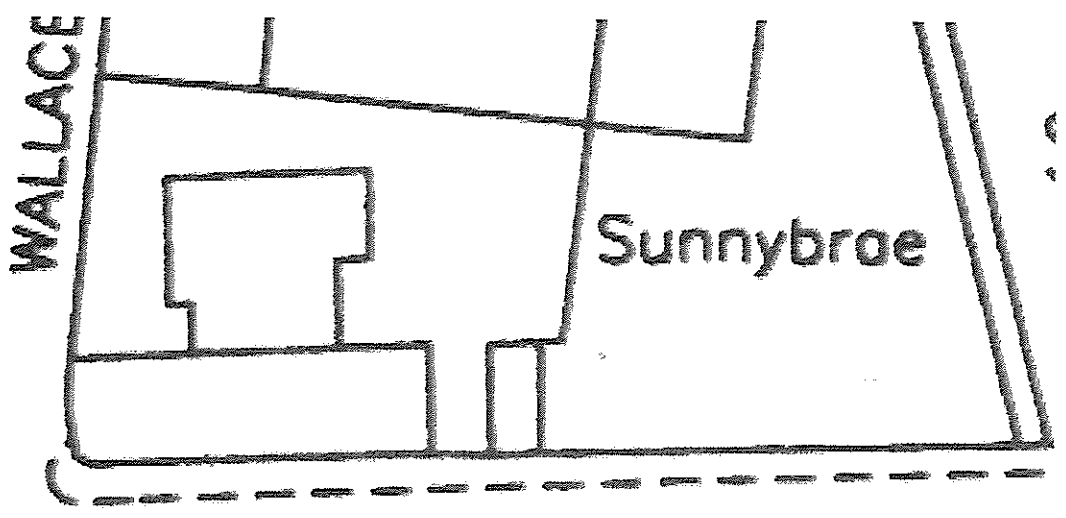
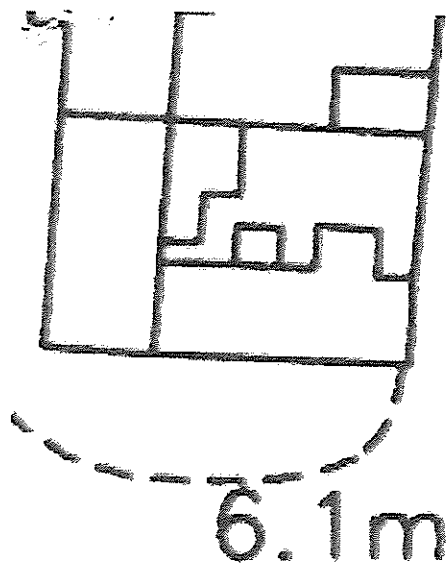
A question to ponder is just what type of person wants to drink to 01.00 hours every day of the week? The answer is likely to be people who are either problem drinkers or have a drink problem.

Outside drinking area and outside drinking facilities (Within points 3 and 5 in the Neighbour Notification)

We strongly object to the applicants having either an outside drinking area or outside drinking facilities both on the grounds stated above and also because there exists a right of access to residents of Argyle Place and Dornoch Square East for both pedestrian and vehicular traffic which is likely to be impeded. A plan, extracted from our Title Deeds, showing this right of access is attached.

We hope you give full and proper consideration to this and other objections when considering this application.

Gordon & Hilary Sutherland





REPRESENTATIONS OR OBJECTIONS IN RELATION TO A PREMISES LICENCE APPLICATION UNDER THE LICENSING (SCOTLAND) ACT 2005

Please read the Board's Guidance Notes on How to Object or make Representations in relation to a Premises Licence Application before completing this form. This form when completed should be returned to the nearest office of the Licensing Board using the contact details in the guidance notes or emailed to licensing@highland.gov.uk. Remember, if an objection is rejected by the Board as frivolous or vexatious, the Board may seek to recover expenses from the objector or person making representations

1. Full Name and Address of person making objection/representation:

Emily Mackay

2. Address of Premises in respect of which objection / representation is made:

The Coach House Restaurant and Bar, "The 1 Up"
The Square
Dornoch

3. Details of any OBJECTION: (complete only if you consider one of the ground for refusal apply)

State ground of objection (refer to ground of objection by number, see guidance notes, and give details): (Continue on separate sheet if necessary)	
1. Excluded Premises	I am a newer resident of Dornoch, but I've seen how the 1 Up patrons act after-hours as they travel home, up the hill past my house. They are loud, unruly, and often leave litter in the hedges in front of my home. Allowing them longer, later hours to drink would only increase these problems and decrease the quality of life for Dornoch residents and visitors.
2. Off-Sales Hours/24 hour drinking	
3. Licensing Objectives	
4. Activities/Premises/Customers	
5. Over Provision	

4. Details of any REPRESENTATION: (complete only if you wish to make a representation in respect of the application)

State details of any representation (refer to representation by number, see guidance notes, and give details): (Continue on separate sheet if necessary)	
1. in support of application	
2. seeking an amendment to the operating plan, or	
3. seeking to add additional conditions to the licence	

Signature

Date 7/10/19

Laura Gunn

From:
Sent: 11 April 2019 18:26
To:
Subject: Coach House Dornoch

Dear David

I am writing as Chair of Dornoch Community Council to ask that you note the following points raised by residents of the Burgh to Community Councillors.

Increased hours to 1am every night - Traditionally the licence for these premises were only extended for functions as it is a residential area and next door to the church. If the bar is open until 1am every night it can only add to the noise and disturbance levels being experienced by residents who live nearby.

Outside drinking area - Unless additional land has been obtained this can only mean they are applying to have alcohol drunk on the street or the right of access road next to the premises. If this is the case there are concerns over safety of people drinking and cars using the road to get to their houses. There is also a request that if drinking is to be granted to the unestablished location of a drinking area that this be limited to 21:00pm to lesson noise from outside drinkers.

Bottle bins - Concerns have also been raised about the loud noise emanating from the emptying of bottle bins into waste bins at the end of the night. Could a note be imposed that these are emptied the next day before the bar opens to customers. 1am is late for the crashing noise of bottles being emptied into the large waste bins, a lot of the residents work in the town and have to get up for work.

Noise/behaviour - The visitors who also holiday in some of the properties have also given negative feedback about noise at closing time, although there will be little the licence holder can do about this, but I have seen some establishments with signs about noise and neighbours and especially in city centres bouncers move everyone on. Do you know if this has been the licencing board who have enforced this or is it up to each publican. I have seen this happen in Inverness. I know when we have held large events in town we have had to employ bouncers for order and then we have had to clean up around the marquees and square area. Can the operator be asked to keep the area clear of glass and bodily fluids or does his responsibility end as they walk out the door?

Regards
Yvonne Ross
Chair
Dornoch Area Community Council

APPENDIX 7

Laura Gunn

From:
Sent:
To:
Subject:

As a resident living at [redacted] I would like to register an objection to the proposed extension of operating hours on Fridays and Saturdays to 0.300hrs. Do not feel this is necessary in primarily a residential area.

Callum Sutherland

Sent from my iPhone

RECEIVED

18 APR 2019

The Highland Council
Drummuie

Claire Mc Arthur
Clerk of the Highland Licensing Board Area Office
Drummuie
Golspie
Sutherland
KW10 6TA

17-04-19

**Ref: Application for Variation of Premises License
Coach House Bar & Restaurant Castle Street Dornoch IV25 3SD**

Dear Claire

Mark and I have been visiting Dornoch for over 30 years. Back in 2006 we had the opportunity of purchasing our apartment not only as an investment but more importantly as our second home set within an idyllic location within the peaceful and prestigious town of Dornoch. Prior to purchase we were of course aware of local eateries and drinking venues and at weekends accepted that there may be at times some additional late-night activities. Our apartment is where we can relax and recharge our batteries away from our busy lives down in Oxfordshire and we wish this to remain.

To have received your notification of an application made by the new owners for variation of premises license dated the 29th March is causing concerns with regards to the extended opening hours to 1.00am Sunday to Thursday each week. To have late night opening every night of the week would be detrimental to the welfare of residents which needs to be shown as a paramount objection to the Board. Currently it is mostly at closing time that residents endure such intrusive noise and disturbances and to gain evidence to put to the Board would place any such resident in a venerable situation which I am sure no member of the society would wish for. To involve and rely on the local police to attend to any such anti-social behavior would be a drain on police force resources which seems pointless when taking into consideration that late-night opening Sunday to Thursday could so easily be declined.

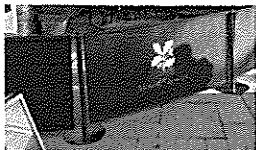
We have recently received several phone calls from our neighbours reporting that they are having to clear broken glass and human sick left to the front and rear of Argyll Place. They have also endured many nights of disruptive sleep due to loud drunken voices and fighting at the front and back of Argyll Place which is unacceptable.

We have been led to believe from the Licensing Standards Officer that it would be hard for any resident to prove that any such unlawful disturbance is due to the Coach House. It has also been implied that once a customer leaves the Coach House any customer's actions/behavior is not the responsibility of the proprietor of the Coach House but the responsibility of the Police. Residing in such close proximity it would be unjust to place ownership upon any resident to try and obtain evidence of any unlawful disturbance during any evening/night instigated from the Coach House. No resident should be placing themselves in what could become a potentially life threatening or venerable situation as Argyll Place frontage sits directly onto pedestrian pavement with only a window and door providing resident's security with the back backing onto a carpark with only windows as protection.

We would like to ask and stipulate to the Board the following:-

To be shown evidence of any outdoor area from the deeds relating to the Coach House and to ask whether they have permission to have outside seating.

For the Coach House to erect barrier screening to any outdoor boundary and keep all tables and



customers who are outside eg smoking within such barrier screening to deter and avoid evasion into the carpark as some resident's sleep on the ground floor at the back of the building. Please also acknowledge that residents are also in fear of their cars being damaged whilst parked within their allocated parking spaces.

To ensure that the new owner of the Coach House install internal and external CTV cameras (if not already in place) to deter any excessive noise or disturbances especially when closing. Any relevant footage could then be given to the Police should it be necessary to stop any future unacceptable behavior during any time of opening hours.

Yours sincerely

Mark Lawrence & Valerie Newman

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Clerk to the Licensing Board
Highland Council
High Street
Dingwall
IV15 9QN

18th April 2019

Dear Sirs,

**Licensing (Scotland) Act 2005 - Application for variation of premises licence:
The Coach House Bar and Restaurant, The Square, Dornoch**

As close neighbours of the above premises we wish to object to the applicant's applications to:

- 1) Increase on sale hours on Friday and Saturday to 1100hrs to 0300hrs the following day
- 2) To extend the premises with an outdoor drinking area

We consider that the application to increase on sale hours on Friday and Saturday to 0300 is inconsistent with the Board's Licensing Objective of preventing public nuisance. This is because of the extremely close proximity of the premises to residential properties such as ours and the neighbouring flats in Argyll Place. The extension of the licensing hours to 0300 will create significant and unreasonable late night disturbance as patrons leave the premises, which are located in what is otherwise a quiet residential area.

We object to the creation of the outdoor drinking area as this would be on land over which we and our neighbours have a 24 hours right of way for vehicular access. I attach an image of the access road, and also an extract from our title deeds showing the right of way. You will note from this image that the access road between the pub and the flats in Argyll Place is extremely narrow. It would therefore be inconsistent with the Board's Licensing Objective of securing public safety to permit this area to be used for drinking when there are vehicles passing through regularly. This access is the only vehicular access to Dornoch Square East, and it would clearly be unsafe to allow people to stand around drinking in the path of oncoming vehicles.

If outside drinking was technically restricted to customers seated at tables, this would be practically impossible to enforce, and the only place the tables could go is as shown in the attached image. People would still have to walk in front of oncoming vehicles to access the tables / bar, and clearly after dark and after consuming alcohol this would be unsafe and hence inconsistent with the public safety Objective.

The access road proposed to be used as an outdoor drinking area is also the only vehicular access to Dornoch Square East for the emergency services, including fire, police and ambulance. The possible obstruction of this access is therefore a particular concern to us. Dornoch Square East is only accessible via this road, as it is bounded around on all three sides by a cemetery, church, and

the old police station, none of which provide a vehicular access to Dornoch Square East. These is a further reason why permitting an outside drinking area would be inconsistent with the Board's Licensing Objective of securing public safety.

You will further note that the proposed outdoor drinking area is not bounded to the left of the area, where the access road adjoins the public car parking in Argyll Place. There is no natural boundary to limit or contain the proposed outdoor drinking area, so if permitted it would be very likely to extend and encroach into the Argyll Place car parking area. Clearly it would not be possible to erect any boundary or fence to contain the proposed drinking area as this would obstruct access. To permit an outside drinking that would inevitably overspill into a public car park would be inconsistent with the Board's Licensing Objective of securing public safety.

You will note that we are not objecting to the remaining five applications being made by the applicant. We appreciate that they want to run a successful business, but this must not be at the cost of public safety and in a way that is very likely to create public nuisance.

Yours faithfully,

D.E.J. Thompson



LAND REGISTER
OF SCOTLAND

Officer's ID / Date

4486
8/3/2006

TITLE NUMBER



ORDNANCE SURVEY
NATIONAL GRID REFERENCE

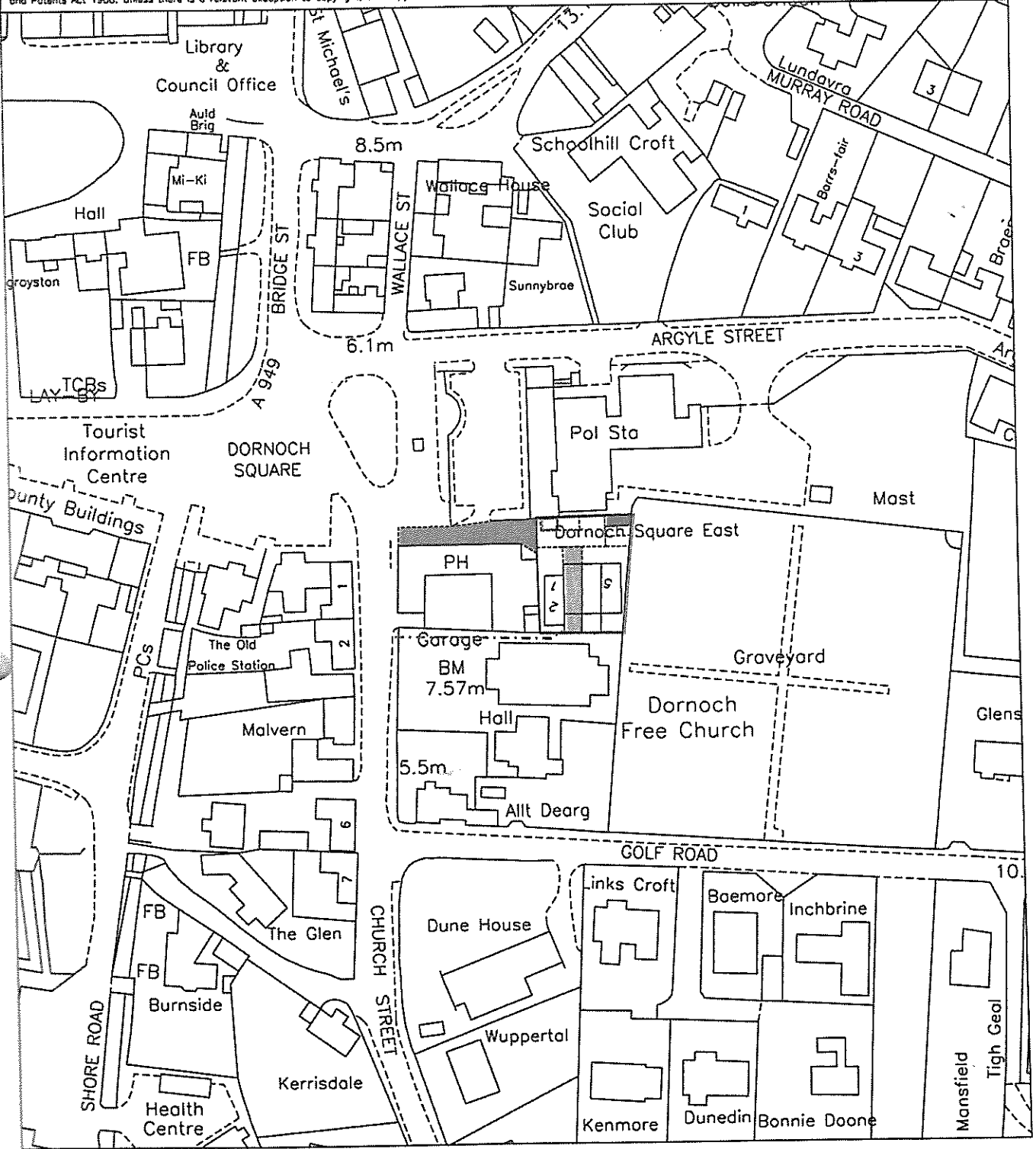
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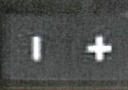
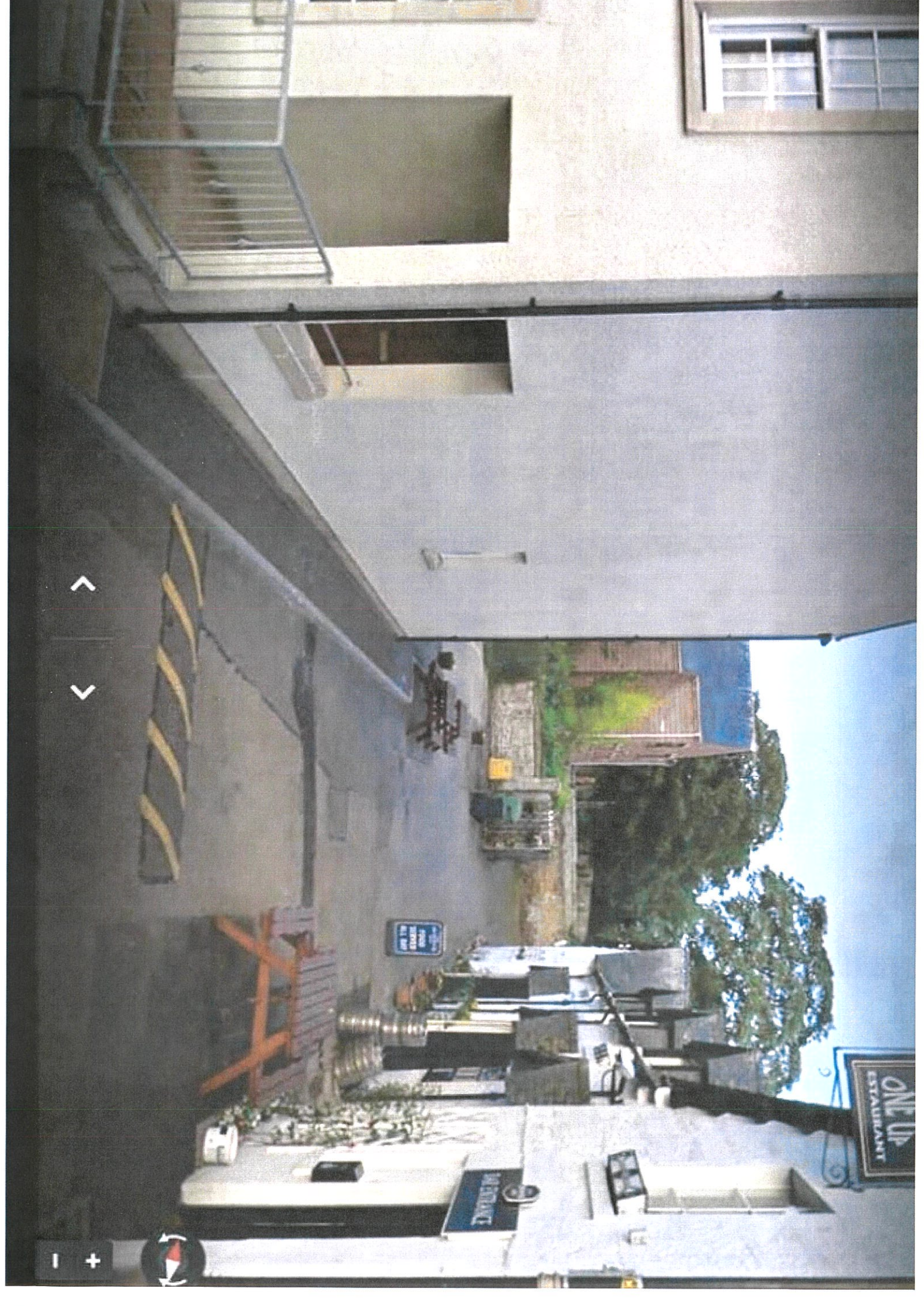
Survey Scale

NH7989 NH8089 NH78NE NH88NW

1/2500

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Laura Gunn

From:
Sent:
To:
Subject: Application for variation of premises licence: The Coach House Bar & Restaurant,
The Square Dornoch

Your Ref: CM/LG

Dated: 29 March 2019

Dear Sir/Madam

Re: Application for variation of premises licence

The Coach House Bar & Restaurant, The Square, Dornoch

We are in receipt of the neighbour notification regarding the above application, and are the owners of
We live here permanently and have done so since before the present applicants took over the ownership and running of the Coach House in December 2018. Based upon our experience since then, we have a number of concerns about this application. These are listed below in relation to the numbering of the application:

1) Increase on sales operating hours daily on Sunday to Thursday to 1100hrs to 0100hrs the following day and on Friday and Saturday to 1100 hrs to 0300 hrs the following day.

We understand from David Inglis (Licensing Standards Officer – North) that the current licensed hours for the Coach House are 1100-2345 (Mon-Thurs), 1100-0100 the following day (Fri), 1100-2345 (Sat), 1230-2300 (Sun). We further understand that the applicant has requested that the application be amended to remove the references to closing at 0300 hrs at the weekend. This means that the sale of alcohol for on-sales

will be from 1100-0100 the following day 7 days a week which is apparently “Board policy hours for the sale of alcohol for on-sales”.

We have a specific objection to this blanket extension of operating hours. The Coach House is situated in close proximity to multiple residential properties including those in Dornoch Square East and Argyle Place. Noise/shouting is a particular issue, especially associated with people standing outside the bar both for reasons of smoking and after “*turning out*” time. The owners of the Coach House recognise this as being an issue but acknowledge “*we can’t force punters to disperse. Once they are out of the pub. We try and ask them to leave quietly but not sure how we can really do more once they leave*” (email from Kenneth Mackay to councillor Jim McGillivray dated 09/04/19). At the present, this noise is at its worst in the early hours of Saturday and Sunday morning, often well after 0100 hrs. Given that the owners acknowledge there is a problem with noise and admit they have no way of controlling it, then extending the operating hours to 0100 hrs the following day 7 days a week is completely unacceptable on the basis of extending rather than preventing a public nuisance. This is inconsistent with Licensing Objectives. **We would prefer that the current licensed hours be maintained and adhered to.**

2) Increase off-sales operating hours on Sunday to commence at 1100 hrs

We recognise that this ties in with the on-sales opening hours and have no objection to this.

3) Delete current description of premises and substitute “2 storey premises located in The Square, Dornoch, comprising of public bar and lounge bar on the ground floor, a lounge/bar restaurant/function room on the first floor and an outside drinking area”

We have a specific objection about the inclusion of an “outside drinking area” in the revised description. At the moment the area immediately outside of the Coach House, and between it and Argyle Place, is legally defined as a “**mutual access**” over which all of the properties in Dornoch Square East, and Argyle Place, have “**a right of vehicular and pedestrian access**”. This forms part of our title deeds in the Land Register of Scotland (Title Number STH431 - relating to No 5 Dornoch Square East), and provides the legal right of access to our property. Unlike the situation outside of the Eagle Hotel where there is a pavement, there is no pavement outside of the Coach House and, in effect, this area of land is subject to vehicular access at any time. **If the Coach House uses this “mutual access” as an “outside drinking area” then there is a potential threat to public safety.** This is inconsistent with Licensing Objectives.

Our correspondence with David Inglis suggests, that under the terms of the Act, it is possible for an outdoor drinking area to be located in a public area provided permission to occupy the public area has been granted by the Council. However, the area outside the Coach House is not a public area in that sense. Given that all the adjacent properties have legal rights of vehicular and pedestrian access over this land then it would be necessary for the owners of the Coach House to have a legal agreement with these owners to ensure that the rights of all the parties concerned are protected. No such agreement exists at the moment.

Until such times as a legal agreement is in place we would prefer that the any reference to an “outside drinking area” is deleted from the description of the premises.

4) Add seasonal variation “to take advantage of any period of extended hours agreed by the Board for the festive period”.

We are concerned that any extension of hours should not be beyond 0100 the following day. This is in line with our concerns expressed under 1) above.

We have no further specific comments relating to items 5), 6) and 7) as long as they specifically respect the concerns set out in 1) to 4) above.

We have experienced a number of other issues with the Coach House including light pollution, broken glass, litter, and the management of waste. Whilst we acknowledge that most of these issues are not of concern to the Highland Licensing Board directly, they are relevant in terms of public safety, public nuisance and public health. We also note that, recently, the management of the Coach House have been making efforts to improve the standards of their property management. This is to be welcomed. However, there is considerable scope for improvement in relation to their engagement with their neighbours so as to ensure that the gains to the Coach House business are not being won at the expense of others.

Yours faithfully

Richard and Karen Birnie

ensing hours

From: _____
Sent: 18 April 2019 21:06
To: Licensing
Subject: The Coach House Bar and Restaurant licensing hours

Dear Sir / Madam,

I am writing with regards to the application of extended licensing hours from the new owners at The Coach House Bar and Restaurant, Dornoch.

I own _____ which is a small holiday let business mostly booked by golfers / holiday makers / people temporarily working in the area. While I have no objection to the 1am closing time at weekends (most people tolerate some noise and disturbance of sleep at weekends), I do object to 1am every night of the week. I think it is far too late when people in neighbouring properties have to get up early in the morning. Even after closing time there is the unavoidable noise when clearing up and putting empty bottles etc in the metal bins.

I have already had a few complaints from guests re the access road to Dornoch Square East often being blocked by vehicles at the Coach House and also Coach House staff parking too near to the allocated parking space at no 1, making it difficult to get in and out. Whilst I appreciate this is about the licensing hours, I am already having to apologise to my guests on behalf of the inconsiderate actions of the Coach House which has only become a problem since the new owners took over.

While I have continued to recommend the Coach House to my guests and wish the new owners every success in their business..I feel the extended hours every night of the week can only have a detrimental effect on my own, albeit small business.

I appreciate you taking the time to consider my views on the extended licence application.

Yours faithfully

Dianne Hutchison