

The Highland Licensing Board

Meeting – 6 August 2019

Agenda Item	6.1
Report No	HLB/067/19

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

The Lookout (Restaurant), The Gathering Guest House, Inverie, Knoydart, PH41 4PL

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 The Lookout (Restaurant) attached to The Gathering Guest House, Inverie, Knoydart, PH41 4PL.

1.0 Description of premises

1.1 The Lookout is a 32 cover restaurant which is attached to The Gathering Guest House, Knoydart. Solely the restaurant area is licensed for the sale of alcohol. The restaurant is open to guests as well as non-residents.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1000 hours to 2200 hours

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

Off sales:

Monday to Sunday: 1000 hours to 2200 hours

3.0 Background

3.1 On 21 June 2019 the Licensing Board received an application for the grant of a premises licence from Cara Gray, The Gathering, Inverie, Knoydart, PH41 4PL.

The application was accompanied by the necessary section 50 certification in terms of Planning, Building Standards and Food Hygiene, together with a Disabled Access Statement.

- 3.2 The application was publicised during the period 24 June 2019 until 15 July 2019 and confirmation that the site notice was displayed has been received.
- 3.3 In accordance with standard procedure, Police Scotland, the Scottish Fire & Rescue Service and the Council's Community Services (Environmental Health) and Planning and Building Standards were consulted on the application.

The Planning Authority have lodged an observation to the application indicating that the premises only has planning permission to operate as a restaurant which does not include off-sales.

- 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 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.

4.3 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:-

- (i) An application has been received from Cara Gray for an alcohol premises licence for a 32 cover restaurant attached to her guest house at The Gathering, Inverie, Knoydart. It is solely the restaurant that will be licensed and will take trade from the public.
- (ii) The application has been accompanied by the necessary Section 50 certificates relating to Planning, Building Standards and Food Hygiene; Disabled Access Statement and sets of plans of acceptable quality.
- (iii) The Licensing Standards Officer has provided advice and guidance in the discussions prior to application and has overviewed the operating plan. In his view the operating plan is compliant with the 5 licensing objectives and is in line with the current Board Policy. On sales are requested to commence from 1000 hrs and the premises conform to the description of a "food led" premises as detailed in the Board's current policy statement. Any alcohol sales prior to 1100hrs will be solely as an accompaniment to meals provided.
- (iv) All service of alcohol will be made to patrons seated at tables by staff in response to orders. There is no bar counter or provision for vertical drinking. Off sales are requested as a facility as the area is popular with walkers who may seek to obtain alcohol for accompaniment to packed lunches/takeaway meals. There is also a nearby artisan brewery whom the applicant wishes to support by showcasing their range of ales.
- (v) The hours requested in the application are within current Board Policy.

- (vi) The Licensing Standards Officer is of the opinion that should the Board be minded to grant this application there will be no threat to the licensing objectives.
- (vii) During the public consultation phase of the application no objections have been received by the Board, however, an observation has been received from the Planning Department. This raised a concern that the original planning permission was granted for a restaurant and would not cover off sales becoming a main theme of the business, which should reflect a very much food led operation.
- (viii) Having assisted the applicant in the compilation of the application, the Licensing Standards Officer is satisfied that the main thrust of the application is the provision of food with all alcohol provision being very much ancillary to this. The Licensing Standards Officer has recommended a specific condition relating to the provision of off sales.

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

It is not considered necessary to attach any local conditions.

7.3 Special conditions

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

- (1) All on sales of alcohol made prior to 1100 hrs must be solely as an accompaniment to a meal provided on the premises.
- (2) There will be no stand-alone alcohol display for off-sale purchases; all off-sales will be selected from the drinks section of the restaurant menu.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed special conditions 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/1906

Date: 22 July 2019

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