

**The Highland Licensing Board**

**Meeting – 6 August 2019**

Agenda Item	<b>8.3</b>
Report No	<b>HLB/073/19</b>

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

**Archdale Guest House, High Street, Beauly, IV4 7BT**

**Report by the Clerk to the Licensing Board**

**Summary**

This report relates to an application for a major variation of premises licence by Platform Public Relations Limited, The Old Station, Station Road, Beauly, IV4 7EG.

**1.0 Description of premises**

1.1 Guest house situated in the centre of Beauly with free car parking.

**2.0 Current operating hours**

2.1 The premises currently enjoys the following operating hours:

**On sales:**

Monday to Sunday: 1230 hours to 2300 hours

**3.0 Summary of variation application**

**3.1 Variation sought**

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

- (1) To commence on sale hours from 10.00 hrs each day. Hours prior to 12.00 hrs will only be for the purpose of tutorial/events taking place on the premises.
- (2) The premises are a guest house, but will specialise in the business of providing tutorials/events based on the history and culture of Scotland through food and drink. Guests pre-book online or by telephone. There may also be pop up restaurant evenings with guest chefs.

- (3) To add off sales from 10.00-22.00 hrs each day. The off sales facility would be used in connection with guests purchasing products highlighted at such events.
- (4) To add recorded music, receptions, live performances and club or other group meetings as activities. Live performances will be ancillary to such events.
- (5) Meals and snacks may be made available to residents and those attending functions/events, or for 'pop up' restaurant evenings.
- (6) Due to the residential nature of this business, activities such as televised sport and recorded music may be available at any time.
- (7) To amend rules for access by children and young persons' so that children under eleven will not be permitted at events and children under five will not be permitted to restaurant evenings. Children will require to vacate the premises by 23.00 hrs unless they are residents.
- (8) To substitute a new layout plan showing the reconfiguration of the premises, particularly the bedrooms which have been reduced in number to 4 suites.
- (9) Description to read: "Guest house consists of 4 suites, with limited catering facilities, being a self-standing building located on the High Street in Beauly".

#### **4.0 Background**

- 4.1 On 17 June 2019 the Licensing Board received an application for a major variation of a premises licence from Platform Public Relations Limited.
- 4.2 The application was publicised during the period 24 June until 15 July 2019 and confirmation that the site notice was displayed has been received.
- 4.3 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.
- 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.
- 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](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:-

- (i) The Archdale guest house is situated in the centre of Beaulieu. It is a guest house containing 4 suites for accommodation and a small restaurant bar area on the ground floor. The premises have held an alcohol premises licence since 2009. Recently the premises have been transferred to the ownership of the applicant who in devising a new business model has submitted a major variation application to incorporate changes into the operating plan.

(ii) It is requested that the premises are licensed for on sales from 10.00 hrs in order to host tutored tastings and off sales are now requested on a 10.00 hrs to 22.00 hrs basis to allow sales of goods which have featured at these tastings. This is very likely to be premium priced artisan products as opposed to the more traditional sales model associated with off sales. Such early opening for on sales is now included within the Board's policy statement and has been suitably conditioned on the licence. Off sales will be sold from the stock of vendors conducting tastings hence there is no formal display quoted within the operating plan.

(iii) The range of activities at section 5 of the operating plan has been increased in order to accurately reflect the breadth of service offered on the premises. The description of the premises has been suitably amended. The interior layout of the premises has been revised and the number of bedrooms reduced. Layout plans detailing the changes have been submitted with the application.

(iv) In addition the children and young persons' policy has been revised and, in the opinion of the LSO, is in keeping with the 5<sup>th</sup> licensing objective.

(v) In the opinion of the LSO if the Board were minded to grant this variation, there would be no adverse impact on the licensing objectives.

(vi) Following the public consultation phase of this application no objections or representations have been received by the Board.

## **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 will continue to apply and it is recommended that the following additional local condition be attached:

- (g) Alcohol may be sold prior to 11.00 hrs for consumption on the premises only during a formal or tutored tasting session and only to customers taking part in such a tasting session.

### 8.3 Special conditions

No special conditions are considered necessary.

#### **Recommendation**

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local conditions detailed at para. 8.2 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/INBS/314  
Date: 17 July 2019  
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