

The Highland Licensing Board

Meeting – 12 May 2020

Agenda Item	5.2
Report No	HLB/017/20

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

Laggan Coffee Bothy, Laggan Bridge, Laggan, PH20 1AH

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 Laggan Coffee Bothy, Laggan Bridge, Laggan, PH20 1AH.

1.0 Description of premises

1.1 The Laggan Coffee Bothy is situated in the Cairngorm National Park, 8 miles west of Newtonmore on the A86 Fort William Road and consists of restaurant/bistro catering for up to 30 covers.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1000 hours to 2400 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 10 February 2020 the Licensing Board received an application for the grant of a premises licence from Partnership of Gordon Alan Stirling and Stuart David Lilley.

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 17 February until 9 March 2020 and confirmation that the site notice was displayed has been received.
- 3.3 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.
- 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 made for an alcohol premises licence for the Laggan Coffee Bothy, Laggan. The premises are a 30 cover restaurant/bistro with an outside drinking area adjacent to the premises. The premises functioned as a coffee shop/bistro throughout 2019 and local demand has inspired the owners to apply for an alcohol licence for the purposes of their trade but also to enrich the tourist experience to the local area.
- (ii) During the application process the premises have been visited by the LSO. They are suitable for the context of the operating plan and have been finished to a high standard. The necessary section 50 certificates relating to planning, food hygiene and building standards have been submitted. A disabled access statement has also been submitted. The layout plans are of an acceptable standard.
- (iii) The operating plan has been overviewed by the LSO and it conforms entirely with the ethos of the 5 licensing objectives. Off sales have been applied for and will display artisan whiskies, gins and ales for purchase. There are many self-catering, camping and caravanning facilities in the area and as the local shop has been lost to the community, this is felt to be an important facility for the tourist.
- (iv) The premises are genuinely food led, and therefore, are entitled to open from 1000 hours offering a full menu.
- (v) Following the public consultation phase of this application, no objections or observations were received on behalf of the Licensing Board.

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

Should the Board grant the application as applied for, the Board may wish to consider attaching the following conditions from the schedule of local conditions:

- (e) Premises opening for the sale of alcohol for consumption on the premises prior to 1100 hours shall have available a selection of hot and cold food and shall advertise this within the premises.
- (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.
- n(i) No live or recorded music shall be played in any outdoor drinking area.
- (o) The licence holder shall ensure that consumption of drinks (alcoholic or non-alcoholic) in any outside drinking area is permitted only by customers seated at the tables and chairs provided in the outside drinking area and not by customers standing in that area.
- (p) The licence holder shall ensure that all outdoor tables are regularly cleared of all used glassware, crockery, cutlery and refuse.

7.3 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. 7.2 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/654
Date: 17 March 2020
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