

The Highland Licensing Board

Meeting – 12 May 2020

Agenda Item	5.3
Report No	HLB/018/20

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

Torlinnhe Guest House, Achintore Road, Fort William, PH33 6RW

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 Torlinnhe Guest House, Achintore Road, Fort William, PH33 6RW.

1.0 Description of premises

1.1 Torlinnhe Guest House is a two storey guest house situated on Achintore Road, overlooking Loch Linnhe and is approximately 1 mile from Fort William town centre. The premises comprises of six ensuite bedrooms and a guest dining room with a lounge area. Owners private accommodation is located within the premises. The premises offers two outdoor seating areas which overlook Loch Linnhe where guests can enjoy refreshments. Alcohol will be served to residents only and dispensed from the kitchen area of the premises.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1200 hours to 2300 hours

3.0 Background

3.1 On 11 December 2019 the Licensing Board received an application for the grant of a premises licence from Mark Rossi and Larisa Mostovaya.

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 14 February 2020 until 6 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) Torlinnhe Guest House is a detached bed and breakfast property, overlooking Loch Linnhe. The premises has 6 ensuite bedrooms providing a guest capacity of 16.
- (ii) An application has been received for an alcohol premises licence in order solely to sell alcohol to residential guests, thereby qualifying for a category 1 licence fee.
- (iii) The application has been accompanied by the necessary section 50 certificates relating to planning, building standards and food hygiene. A disabled access statement has also been submitted.
- (iv) The LSO has overviewed the operating plan submitted and finds that it is in line with the 5 licensing objectives. The licensed area also includes a portion of the garden of the premises in order to allow guests to enjoy a drink outside in the summer enjoying the local scenery. The LSO is supportive of this and is content to allow the proprietors to manage its usage by including a specific licensing condition.
- (v) The hours requested are in line with current Highland Licensing Board policy. At section 5(f) of the operating plan, permission is requested to offer wedding guests, on occasion, a champagne breakfast. As residents this is a permissible activity allowed for by the Licensing (Scotland) Act 2005 and is not constrained by conventional operating hours.
- (vi) During the public consultation phase of this application, no objections or observations have been received by the 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 condition(s) from the schedule of local conditions:

- (i) Sales of alcohol shall solely be made to guests who have secured residential accommodation on the premises.

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 condition 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/RSL/1936
Date: 17 March 2020
Author: IC/JT