

The Highland Licensing Board

Meeting – 12 May 2020

Agenda Item	5.6
Report No	HLB/021/20

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

Distant Hills Guest House, Roy Bridge Road, Spean Bridge, PH34 4EU

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 Distant Hills Guest House, Roy Bridge Road, Spean Bridge, PH34 4EU.

1.0 Description of premises

1.1 Distant Hills Guest House is a detached domestic dwelling on the easterly edge of Spean Bridge. The guest house comprises of 7 guest bedrooms (5 double rooms and 2 twin rooms) all with en-suite bathrooms and all situated on the ground floor. The maximum resident capacity is 14. The common guest areas include a large lounge on two levels. A very small 'residents only' honesty bar will be operated from within this room. The other common area is the guest dining room which comfortably seats 14 persons.

The area to be licensed comprises all 7 guest bedrooms, the guest lounge, the guest dining room, kitchen and a small outdoor garden to the rear of the property, which is for exclusive use by residents.

Private owner's accommodation adjoins the guest house accommodation which is not included within the licensed area.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1100 hours to 2200 hours

3.0 Background

3.1 On 14 February 2020 the Licensing Board received an application for the grant of a premises licence from The National Trust for Scotland Enterprises Limited.

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 2020 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. At the date of application, there was currently no community council constituted for the Spean Bridge area.

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 the applicants for an alcohol premises licence for the Distant Hills Guest House, Spean Bridge. This is a substantial detached dwelling set in its own garden, comprising of 7 letting bedrooms.
- (ii) The licence is to facilitate the selling of a small range of alcohol to guests who have booked residential accommodation on the premises, thereby qualifying for a category 1 licence in terms of the fees. The application has been accompanied by section 50 certificates relating to planning, building standards and food hygiene. A disabled access statement has also been submitted.
- (iii) The operating plan has been overviewed by the LSO who has met with and advised the applicants and which meets the standards of the 5 licensing objectives. The hours requested are also within the policy hours of Highland Licensing Board.

- (iv) An outdoor drinking area is listed in the operating plan which allows guests to enjoy a drink in the substantial garden area of the property. This is not likely to cause any public nuisance and has been left unconditioned to be managed by the applicants.
- (v) Alcohol is to be supplied by way of an honesty bar in the residents lounge. The applicants have documented an operating policy for this method of dispensing which appears robust and workable. Honesty bars have been used in other Highland establishments without issue.
- (vi) Following 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

No local conditions are considered necessary.

7.3 Special conditions

No special conditions are considered necessary.

Recommendation

The Board is invited to determine the above application.

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/1940
Date: 17 March 2020
Author: IC/JT