

The Highland Licensing Board

Meeting – 22 June 2021

Agenda Item	8.1
Report No	HLB/047/21

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

Balmacara Mains Guest House (Blackstream Limited), Glaick, Balmacara, Kyle of Lochalsh, IV40 8DN

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 Balmacara Mains Guest House (Blackstream Limited), Glaick, Balmacara, Kyle of Lochalsh, IV40 8DN.

1.0 Description of premises

1.1 The Balmacara Mains Guest House is situated in Glaick, Balmacara, and is a stone built house sitting in its own half-acre grounds 3 miles east of Kyle of Lochalsh. The guesthouse offers 8 letting rooms and will offer alcohol to residents only. There is no bar counter within the premises and provision of alcohol will be by table service only.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1230 hours to 2200 hours

3.0 Background

3.1 On 4 May 2021 the Licensing Board received an application for the grant of a premises licence from Blackstream Limited t/a Balmacara Mains Guest House.

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 10 May 2021 until 31 May 2021 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.
- 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 As a hearing cannot be held in person due to coronavirus, the Licensing Board, before reaching a decision, must give any person who would have been given the opportunity to be heard at the hearing the opportunity to be heard instead by alternative methods. Consequently, the applicant has been invited to attend a virtual hearing and/or submit a written representation to state their case.

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) The property known as Balmacara Mains Guest House is a detached property set in its own grounds in a secluded part of the country three miles east of Kyle of Lochalsh, Wester Ross.
- (ii) The application is to allow for the grant of a premises licence to allow for the on sales of alcohol to residents of the premises, by table service only. There will be no bar within the premises and no vertical drinking.
- (iii) The core hours applied for are within the policy of the Highland Licensing Board.
- (iv) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- (v) The children's policy is considered suitable and is within the policy of the Highland Licensing Board.
- (vi) The layout plan submitted complies with the required specifications.
- (vii) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- (viii) During the period of public consultation, no objections were received.
- (ix) I have no objection to this application.

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/1976
Date: 1 June 2021
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