

The Highland Licensing Board

Meeting – 25 April 2022

Agenda Item	9.7
Report No	HLB/041/22

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

The Old Inn, Flowerdale Glen, Gairloch

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Portree Partnership Limited in respect of The Old Inn, Flowerdale Glen, Gairloch.

1.0 Description of premises

1.1 These licensed premises comprise of a detached hotel in its own grounds overlooking Gairloch Harbour. The premises were granted a premises licence on conversion on 1 September 2009.

2.0 Current operating hours

2.1 The premises currently has the following operating hours:

On sales:

Monday to Friday:	1100 hrs to 0100 hrs
Saturday:	1100 hrs to 2400 hrs
Sunday:	1200 hrs to 2330 hrs

Off sales:

Monday to Saturday:	1100 hrs to 2200 hrs
Sunday:	1230 hrs to 2200 hrs

3.0 Summary of variation application

3.1 Variation sought

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

1. amend the layout plan to take account of reconfiguration of areas and addition of craft deli and artisan bakery;
2. amend the licence description and additional activities provided to take account of these changes;
3. increase on sales hours on Saturday and Sunday to terminate at 0100 hrs and to commence on Sunday at 1100 hrs;
4. increase the off sales hours to commence at 1000 hrs on Sunday.

4.0 Background

- 4.1 On 17 March 2022 the Licensing Board received an application for a major variation of a premises licence from Portree Partnership Limited.
- 4.2 The application was publicised during the period 18 March to 8 April 2022 and confirmation that the site notice was displayed is awaited.
- 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 attend a meeting on Microsoft Teams. The applicant has been advised of the hearings procedure.

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.
- 5.2 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.

5.3 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.

5.4 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.

5.5 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:-

- a) The property known as The Old Inn, is a long-established hotel in the community of Gairloch on the West Coast of Scotland.
- b) This application is to add activities to the operating plan, to change the layout of the premises and increase the on sales and off sales provision.
- c) The premises is intending to offer delicatessen and bakery provision alongside existing alcohol provision.
- d) The premises have operated for many years without adverse comment.
- e) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- f) The Children's and Young Persons policy is appropriate.
- g) The layout plan submitted complies with the required specifications.
- h) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- i) During the period of public consultation, no objections were received.
- j) I have no objection to this application.

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 the following additional local condition to be added:

- m. After 2200 hrs alcoholic or non-alcoholic drinks shall not be consumed in any outdoor area.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed additional local condition 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/CSR/1032

Date: 12 April 2022

Author: G Sutherland

Background Papers: The Licensing (Scotland) Act 2005/Application Form.