

The Highland Licensing Board

Meeting – 9 August 2022

Agenda Item	6.3
Report No	HLB/065/22

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

Ardvreck Guest House, North Road, Morefield Brae, Ullapool

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 Ardvreck Guest House, North Road, Morefield Brae, Ullapool.

1.0 Description of premises

1.1 The premises is a 10 bedroom bed and breakfast which is detached and sits in its own grounds on outskirts of Ullapool, with private residential accommodation for the premises owners.

2.0 Operating hours

2.1 The applicant seeks the following hours:

On sales:

Monday to Sunday: 0900 hrs to 0100 hrs

3.0 Background

3.1 On 9 June 2022 the Licensing Board received an application for the grant of a premises licence from Ardvreck Guest House Partnership.

3.2 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.

3.3 The application was publicised during the period from 17 June to 8 July 2022 and confirmation that the site notice was displayed has been received.

3.4 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.

- 3.5 Notification of the application was also sent to NHS Highland and the local Community Council.
- 3.6 Further to this publication and consultation process no timeous objections or representations have been received.
- 3.7 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:

https://www.highland.gov.uk/downloads/file/6399/licensing_hearings_procedure/licensing_board

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.

4.2 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.

4.3 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.

4.4 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:-

- a) The premises known as Ardvreck Guest House is a ten bedroomed premises which is detached and sits in its own grounds on outskirts of Ullapool, Wester Ross.
- b) This application for a premises licence is to allow for the on sale of alcohol to residents and restaurant customers. There is no bar within the premises and so there will only be table service within the restaurant, lounge and outdoor area. There will also be room service.
- c) The hours applied for are outwith the policy of the Highland Licensing Board, in that applicant is seeking an 0900 hrs opening with an 0100 hrs terminal hour. This is intended to allow for the sale of alcohol as ancillary to breakfasts primarily to cater for the ferry traffic trade, as well as the vibrant local tourist trade. The hours applied for will exceed the board policy of a continuous open period of more than fourteen hours, but it is felt that there is sufficient justification given the alcohol sales will be only as an accompaniment to table meals and the customer base will change during the period of the licence.
- d) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- e) The layout plan submitted complies with the required specifications.
- f) The Children and Young Persons policy is suitable and considered within the Highland Licensing Board Policy
- g) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- h) During the period of consultation, no timeous objections have been received.
- i) 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

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

- f. Alcohol may be sold on the premises prior to 1100 hrs only to persons taking table meals.

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

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/CSR/2012

Date: 20 July 2022

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