

The Highland Licensing Board

Meeting – 6 September 2022

Agenda Item	7.2
Report No	HLB/083/22

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

57 Nord (Sky House and Hill House), Upper Ardelve, Ross-shire, IV40 8EY

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the grant of a provisional premises licence in respect of 57 Nord (Sky House and Hill House), Upper Ardelve, Ross-shire, IV40 8EY

1.0 Description of premises

1.1 The 57 Nord (Sky House and Hill House) is situated in a rural location and comprises of two detached buildings which are effectively boutique, self-contained accommodation with Sky House accommodating two persons and Hill House four persons. There are small outside areas to both properties.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1100 hours to 0100 hours each day

3.0 Background

3.1 On 19 July 2022 the Licensing Board received an application for the provisional grant of a premises licence from Artesian Holdings Ltd per Macleod & MacCallum, Solicitors.

The application was accompanied by the necessary section 50 certification in terms of Planning together with a Disabled Access Statement.

3.2 The application was publicised during the period 29 July 2022 until 18 August 2022 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 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.

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 is situated in a secluded rural location in Wester Ross.
- (ii) The property, known as 57 Nord, is comprised of two detached buildings which are effectively boutique, self-contained accommodation with Sky House accommodating two persons and Hill House four persons. There are small outside areas to both properties.
- (iii) The premises will offer alcohol for on sales only and will be available to residents of the accommodation on a very small scale, by way of mini fridges within the properties, and an “honesty book” to record sales.
- (iv) The applicants will have an appropriate policy in place to clearly identify and manage the sale of alcohol and in particular the access to alcohol.
- (v) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- (vi) The children’s policy is considered suitable and is within the policy of the Highland Licensing Board.
- (vii) The layout plan submitted complies with the required specifications.
- (viii) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- (ix) During the period of public consultation, no objections were received.
- (x) 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:-

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

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/2023
Date: 23 August 2022
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