

## The Highland Licensing Board

Meeting – 14 February 2023

<b>Agenda Item</b>	8.1
<b>Report No</b>	HLB/013/23

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

The Pit Stop at Kintail, Aultachruine, Glenshiel, Kyle, IV40 8HN

#### 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 The Pit Stop at Kintail, Aultachruine, Glenshiel, Kyle, IV40 8HN.

#### 1.0 Description of premises

1.1 The Pit Stop at Kintail is situated on the A87 adjacent to the hamlet of Ault a' Chruinn. The premises are a family friendly restaurant, bar and holiday chalets offering accommodation, meals and service stop for passing motorists. There is also an outdoor seating area.

#### 2.0 Operating hours

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

**On sales:**

Monday to Sunday: 1200 hours to 0100 hours each day

#### 3.0 Background

3.1 On 13 December 2022 the Licensing Board received an application for the provisional grant of a premises licence from Island Way Ltd per Ledingham Chalmers LLP.

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

3.2 The application was publicised during the period 22 December 2022 until 12 January 2023 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](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 premises are a family-friendly restaurant and holiday chalets situated on the A87 and located adjacent to the hamlet of Ault a 'Chruinn offering accommodation, meals and service stop for passing motorists. There is also an outside seating area.
- (ii) The Pit Stop was formerly a licensed restaurant known as the Jac-o-bite Restaurant and traded successfully for many years with no issues.
- (iii) All aspects of the application comply with the HLB policy.
- (iv) The application is compliant with the licensing objectives.
- (v) No objections have been received on any aspect of the application.
- (vi) I conducted a site visit in the latter part of 2022 and have no concerns.
- (vii) A follow up compliance visit will be undertaken at the premises prior to licensed trading if the application is approved.
- (viii) The operation is food led and the applicant is seeking on sales only.
- (ix) I have no objections 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/2034  
Date: 19 January 2023  
Author: Carol Nicolson