

The Highland Licensing Board

Meeting – 14 February 2023

Agenda Item	9.6
Report No	HLB/019/23

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

Sands Caravan and Camping, Gairloch

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by William, Moira, James Cameron in respect of Sands Caravan and Camping, Gairloch.

1.0 Description of premises

1.1 The current premises licence is for a single storey detached 50 cover cafe and separate single storey convenience store selling groceries, hardware, camping equipment and toys within a caravan and camping site. There is no bar counter within the café. The premises licence was granted 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 Sunday: 1100 hrs to 2400 hrs

Off sales:

Monday to Saturday: 1000 hrs to 2200 hrs

Sunday: 1100 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 extend the licensing area and provide additional off-sales shelving in Area A;
- 2) amend the premises description;
- 3) amend the operating plan so that premises no longer operate according to

- seasonal demand;
- 4) add dancing and televised sports as activities provided during core hours;
 - 5) amend the description for activities provided outwith core hours;
 - 6) update the children and young persons policy.

4.0 Background

- 4.1 On 15 November 2022 the Licensing Board received an application for a major variation of a premises licence from William, Moira, James Cameron.
- 4.2 The application was publicised during the period 6 to 27 January 2023 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 The Planning Service intimated that the use of the existing agricultural building and its curtilage within the licensed area would require planning permission. The applicants have advised that they are in the process of obtaining planning permission to hold events in the agricultural building and they wish to proceed with their variation application at this stage.
- 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 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

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 Sands Caravan and Camping is a long-established camping and caravan site on the West Coast of Wester Ross three miles north of Gairloch.
- b) The site offers a variety of on Sales and off Sales areas including restaurant, take away food site as well as a site shop. The variation application seeks to further include a large shed shown at D, which will become a function type area.
- c) This application is to extend the current licensed areas at the premises which will also increase the capacity of those areas. The application also seeks to add a small off sales fridge area at the fast-food outlet. The specifics of variations applied for are detailed elsewhere in this report.
- d) The premises have operated for many years without adverse comment.
- e) The area shown at D has been used for some years as a venue for music nights and dances with Occasional Licences without adverse comment.
- f) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- g) The Children's and Young Persons policy is appropriate.

- h) The layout plan submitted complies with the required specifications.
- i) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- j) During the period of public consultation, no objections were received.
- k) There has been an issue raised by Planning Dept. which relates to the use of the new area at D “function area”, but this is a separate planning Issue separate to licensing legislation and is being dealt with separately.
- l) 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 it is recommended that the following additional local condition be attached:

- i. The boundaries of any outside area will be effectively demarcated to the satisfaction of the Licensing Standards Officer.

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/0607

Date: 31 January 2023

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