

## The Highland Licensing Board

Meeting – 28 March 2023

Agenda Item	7.2
Report No	HLB/025/23

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

Pitfaranne Guest House, 57 Crown Street, Inverness, IV2 3AY

### 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 Pitfaranne Guest House, 57 Crown Street, Inverness, IV2 3AY

#### 1.0 Description of premises

1.1 The Pitfaranne Guest House is situated in the residential area of Crown Street and consists of an end terrace property with 5 bedrooms, dining area and conservatory.

#### 2.0 Operating hours

2.1 The applicant seeks the following **on-sale** hours:

**On sales:**

Monday to Sunday: 1600 hours to 2200 hours

#### 3.0 Background

3.1 On 31 January 2023 the Licensing Board received an application for the grant of a premises licence from Malcolm Allan and Maggie Allan.

The application was accompanied by a Disabled Access Statement.

3.2 The application was publicised during the period 13 February until 6 March 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:

[Highland Licensing Board - Hearings](#)

#### **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) An application has been received for an alcohol premises licence for Pitfaranne Guest House, 57 Crown Street, Inverness. These premises are a detached five bedroom property which operates as a bed and breakfast.

(ii) The application is to solely sell alcohol to residential guests by way of on sales has been submitted.

(iii) The premises are suitable for selling alcohol in this manner. The necessary certificates relating to planning, building control and food hygiene have been obtained. A disabled access statement has also been submitted.

(iv) The hours of requested operation are well within the policy hours of HLB. The operating plan submitted is in the view of the LSO compliant with the 5 licensing objectives.

(v) It is the opinion of the LSO that should this application be granted there will be no adverse impact on the local community. There is no bar on the premises and guests request drinks from staff. On occasion, guests may be supplied with a gift bottle of wine in their room.

(vi) Following the public consultation phase of this application, no objections or representations have been received by HLB.

## **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**

No local conditions are considered necessary.

### 7.3 Special conditions

No special conditions are considered necessary.

#### **Recommendation**

The Board is invited to determine the above application.

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/INBS/682  
Date: 13 March 2023  
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